

# **FFY10 Year-End Annual Report**

MassDEP/U.S. EPA Region I Environmental Performance Partnership  
Agreement: 2010-2012

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## Introduction

This document is the Massachusetts Department of Environmental Protection's (MassDEP's) Federal FY 2010 Year-End Annual Report for the MassDEP/US EPA-Region I Program Plan/Performance Partnership Agreement (PPA). In Federal FY 2010 (October 1, 2009 – September 30, 2010), MassDEP received about \$13 million from U.S. EPA under an umbrella grant agreement called the Performance Partnership Grant (PPG). The PPG, and the associated narrative agreement that outlines work commitments to be performed by MassDEP (called the Performance Partnership Agreement [PPA]), covers MassDEP's implementation of federally-delegated programs under the Clean Air Act, Clean Water Act, RCRA, etc. For the last 11 years, MassDEP has elected to combine the annual PPA narrative with the annual agency-wide Program Plan in an attempt to have a single comprehensive plan for the agency's activities for the coming year (including federally-funded and non-federally funded).

This document provides information on MassDEP's accomplishments for FFY 2010 and has three parts:

**Part 1: Accomplishment Highlights** -- Brief narrative summary of noteworthy accomplishments in FFY10. These accomplishment highlights are organized into the following goal areas:

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**Part 3: Inspection Tables** -- Inspection tables showing the number and type of inspections conducted in FFY10.

For more information on MassDEP's activities, including MassDEP Program Plan/Environmental Performance Partnership Agreements (PPAs) and Year-End Annual PPA Reports for previous years, please see the MassDEP website at the following URL:

<http://www.mass.gov/dep/about/priorities/ppahome.htm>

**For additional information on Massachusetts environmental progress and trends**, see the MassDEP website:

- MassDEP priorities and results: <http://mass.gov/dep/about/missionp.htm>
- Statistics & Progress on cleaning up waste sites in Massachusetts: <http://www.mass.gov/dep/cleanup/priorities/progeval.htm>
- Trends in air pollution: <http://www.mass.gov/dep/air/priosres.htm>
- Trends in solid waste generation: <http://www.mass.gov/dep/recycle/priorities/dswmpu01.htm#recycling>
- Trends on toxics use reduction: <http://www.mass.gov/dep/toxics/tura/turadata.htm>
- Status of water, waste water and wetlands: <http://www.mass.gov/dep/water/priorities/epphome.htm>

# GOAL 1: Clean Air and Global Climate Change

## Climate and Energy

### Massachusetts Global Warming Solutions Act (GWSA)

With the passage of the Massachusetts Global Warming Solutions Act (GWSA) in 2008, the Legislature and Governor Patrick took the first steps to address the serious threat to the state's environmental resources as well as public health posed by climate change. The Act requires that the Commonwealth reduce the 1990 baseline by at least 80 percent by 2050, with between 10 and 25 percent by 2020.

In FY 2009, MassDEP began implementation of the Act and met the first two statutory deadlines. First MassDEP promulgated mandatory greenhouse gas (GHG) reporting regulations which apply to some approximately 300 facilities that emit more than 5,000 tons of CO<sub>2</sub> per year or have an Air Operating Permit. Second, MassDEP completed and published (in conjunction with the Executive Office of Energy and Environmental Affairs (EEA) and the Department of Energy Resources (DOER)) the 1990 baseline of economy-wide GHG emissions in MA, against which future reductions will be measured, and a Business as Usual projection of emissions in 2020.

In FY10, MassDEP assisted EEA and other state agencies in development of a draft implementation plan that sets out a basic framework for meeting the GHG emission reduction goals of Act. That plan provided a basis for public and

stakeholder comment to inform EEA action in setting the 2020 reduction target and developing the implementation plan. The analysis for this framework found the following:

- Overall, emissions in Massachusetts have remained relatively steady from 1990 through the present;
- Without any new climate related policies since 2007, emissions would remain relatively steady from the present through 2020;
- Policies enacted and planned since 2007 have already put us on a path to achieving emissions reduction of approximately 19% from 1990 levels by 2020; and
- Further potential exists for low or no-cost reductions of up to a total of 35% reductions in GHG emissions below 1990 levels by 2020.

In mid-2010, EEA Secretary Bowles held a series of public hearings at which the commonwealth took public comment on a 2020 reduction target between 18 percent and 25 percent, as well as testimony on measures to achieve the target that show the greatest potential for energy cost savings and job growth. Looking ahead, by January 1, 2011, EEA will adopt a 2020 GHG emission reduction target and associated implementation plan.

More information on implementation of the Massachusetts Global Warming Solutions Act can be found at:

[http://www.mass.gov/dep/air/climate/gwsa\\_docs.htm](http://www.mass.gov/dep/air/climate/gwsa_docs.htm)

### **The Regional Greenhouse Gas Initiative (RGGI)**

The Regional Greenhouse Gas Initiative (RGGI) is the first mandatory, market-based effort in the United States to reduce greenhouse gas emissions. Ten Northeastern and Mid-Atlantic states, including Massachusetts, have capped and will reduce CO2 emissions from the power sector 10% by 2018. RGGI has completed nine successful GHG emission credit auctions to date, raising almost \$116 million in revenue for MA that is being used for energy efficiency and renewable energy projects across the Commonwealth. Auctions will continue, including the next auction scheduled for December 1, 2010. The 2012 program review required by state regulations is underway and has included two stakeholder meetings as of December 1, 2010. RGGI Agency Heads are also looking at new areas for collaboration and possible regulation, notably low-carbon fuels (see below), and other transportation-related measures.

<http://www.mass.gov/dep/air/climate/rggifaq.htm>

### **Renewable Energy at Closed Landfills**

In an effort to advance the Commonwealth's clean energy goals while reducing greenhouse gas emissions and spurring productive reuse of low-value municipal property, MassDEP and the Massachusetts Department of Energy Resources (DOER), with support from the Environmental Business Council of New England, sponsored a second workshop in January 2010 in Holyoke, MA, for local officials interested in developing solar and wind power projects on former landfill sites. A number of municipalities statewide are moving forward with plans for solar installations at landfills, including: the Springfield Materials Recycling Facility, Delta Hills Landfill in

Chicopee, Easthampton Landfill, Pittsfield Landfill, Greenfield Landfill, and Canton Landfill.

For additional information on Renewable Energy Projects at Closed Landfills, please visit our website at:

<http://www.mass.gov/dep/energy/landfill.htm>

### **Multi-State Memorandum of Understanding (MOU) on Low Carbon Fuel Standard to Reduce Greenhouse Gas Emissions from Fuels**

Governor Patrick, along with governors of 10 Northeast and Mid-Atlantic states took the next step toward developing a regional Low Carbon Fuel Standard (LCFS) by signing a Memorandum of Understanding in December 2009 that commits their states to continued participation in a regional effort to reduce greenhouse gas emissions from fuels for vehicles and other uses.

A LCFS program is a market-based, fuel-neutral program to address the carbon content of fuels. If adopted by states, it would apply to the transportation sector, and potentially to fuels used for heating buildings. A regional LCFS has the potential to reduce transportation-related greenhouse gas emissions, which represent approximately 30 percent of emissions in the region, reduce regional vulnerability to petroleum price volatility, and facilitate the long-term transition from petroleum-based fuels in the transportation sector. In addition, a LCFS is anticipated to spur economic growth related to development of advanced technologies and green energy jobs.

<http://www.nescaum.org/topics/low-carbon-fuels?>

### **Encouraging Energy Efficiency & Renewables at Drinking Water (DW) and Waste Water (WW) Facilities**

The Massachusetts Energy Management Pilot moved into the project financing and implementation phases during FFY 10. MassDEP, EEA and US EPA assisted in identifying funding sources to complete the energy-saving recommendations for each of the fourteen DW and WW facilities in the pilot, including State Revolving Fund (SRF) and Federal Stimulus funding (ARRA).

In 2009, MassDEP reserved \$56 million to fund 11 Clean Water SRF Green Infrastructure projects at pilot facilities and other locations, and another \$12.6 million for 10 Drinking Water SRF Green Infrastructure projects.

Initial construction of the energy upgrades began at the facilities in early 2010. Several significant energy-saving projects were constructed and operational during this period, including:

- The first of two 1.65 megawatt wind turbines at the Falmouth Wastewater Treatment Facility, which is now a "zero-net energy" plant (generating enough renewable wind power in one month to cover its entire electrical demand for the plant for the entire year).
- Installing a series of energy efficiency measures at the Greater Lawrence Sanitary District that will save ratepayers over \$1 million per year.
- The installation of several solar PV systems at the Easton Water System (50 kW) and the Townsend Water System (40 kW).

Over \$5 million of annual energy savings are anticipated to be achieved through the implementation of energy efficiencies and renewable power generation at these facilities. Upon project completion in 2011, over 29 million kW hours will be saved and 22,000 tons of annual CO2 reductions will be achieved. Renewable projects for these facilities are expected to generate over 10 megawatts of clean energy.

In the spring of 2010, the second phase of the Massachusetts Energy Management Initiative for Drinking Water and Wastewater Systems was launched by MassDEP and its public and private partners (EPA New England, EEA, the Massachusetts Department of Energy Resources (MA DOER), UMass / Lowell Center for Sustainability, and the major energy efficiency program providers (NGRID, NSTAR, Cape Light Compact, Western MA Electric, Unitil, Bay State Gas, Berkshire Gas). It includes using a multi-year and phased "Roundtable" approach, for which a new "Energy Leaders" group was formed to motivate, educate and assist water treatment facilities to:

- understand their current energy use with benchmarking,
- undertake projects to improve energy efficiency,
- increase clean generation capacity,
- achieve zero net energy operational status, and
- implement a systematic environmental management system approach to continue energy improvements over time.

Over 40 new water/wastewater facilities will participate in the second phase of this energy management initiative in 2010 - 2011. This structured "Energy Leaders" process will be

continued, each year, until all 370 municipal water and wastewater facilities are reached. More information on the energy management initiative may be found at <http://www.mass.gov/dep/water/wastewater/empilot.htm>

## Clean Air

### Diesel Emissions Reductions

MassDEP's Diesel Reduction Strategy was developed to reduce emissions from diesel engines and the public health impacts associated with exposure to diesel pollution. In FFY10, \$1.73 million in federal stimulus funding was added to existing program funds and used to fund four programs to improve air quality in Massachusetts: 1) the Massachusetts Bay Transportation Authority Locomotive Head End Power Engines Repower Program (\$1,100,000); 2) the Massachusetts Port Authority Fish Pier Electrification project (\$100,000); 3) the MassDEP Diesel Waste Collection Vehicle Retrofit Program (\$115,000); and 4) the Northeast Hybrid Truck Consortium Hybrid Truck Purchasing Program (\$160,000).

MassDEP also applied for and received \$502,500 in additional diesel reduction stimulus funds under a competitive application process. This grant is being used to implement a program to retrofit state-owned, on-road heavy duty vehicles and focuses on Massachusetts Department of Transportation and Massachusetts Department of Conservation and Recreation vehicles.

<http://www.mass.gov/dep/air/diesel/index.htm>

### School Bus Diesel Retrofit Program

MASSCLEANDIESEL is the nation's first fully-funded, statewide program to reduce air pollution from school buses. Many bus owners have taken advantage of free diesel retrofit installations under the "MASSCLEANDIESEL: Clean Air for Kids" program.

With \$16.5 million in state and federal funding provided by the Massachusetts Department of Transportation (MassDOT), under an agreement associated with the Central Artery/Tunnel Project, MASSCLEANDIESEL aims to install pollution controls - known as diesel retrofits - on thousands of diesel-powered school buses across the Commonwealth. In FFY10 there were 51 participating bus owners who retrofitted 1259 school buses that provide cleaner air benefits to more than 57,000 students annually.

Each retrofit will reduce pollution from the exhaust and result in cleaner, healthier air for everyone. This is especially important for children whose developing lungs are particularly susceptible to diesel exhaust's damaging health effects.

<http://www.mass.gov/dep/air/diesel/masscleandiesel.htm>

### MA Auto Emission Performance Label

Motorists have an easy way to identify new vehicles that help cut down on smog and greenhouse gas emissions. Starting with model year 2010 vehicles, an "Emission Performance Label" is required to be affixed to the driver's side window so that consumers will have information they can use to choose the most environmentally friendly vehicle that meets their transportation needs. Massachusetts was among the first states to adopt the label developed by the state of California

under its Low Emissions Vehicle (LEV) program. The label scores each vehicle's smog and global warming emissions on a scale from 1-10, with the highest scores being the cleanest <http://www.mass.gov/dep/service/regulations/proposed/lev08tsd.pdf>

### **Addressing Ozone and Other Air Pollutants**

In FFY10, MassDEP actively participated in regional planning efforts to identify emissions reductions and control strategies needed to meet the ozone and fine particulate matter (PM) National Ambient Air Quality Standards (NAAQS).

Laurie Burt, MassDEP's Commissioner, became chair of the Ozone Transport Commission (OTC) in June 2010 and MassDEP participated in efforts to collaborate within the OTC and with the Midwest states to identify shared interests and mutually beneficial strategies to address ozone and PM transport. Together, the OTC and Lake Michigan Area Directors Consortium (LADCO) provided joint and individual recommendations to the U.S. Environmental Protection Agency (EPA) on developing the replacement rule to the Clean Air Interstate Rule, and continued to develop other control strategies. MassDEP continued to monitor and communicate to the public the status of air quality in the Commonwealth, which showed downward trends for key pollutants and demonstrated that local and regional air quality control programs are having a positive effect on air quality. MassDEP continued to develop rules to reduce pollution and submitted several final rules as part of the Massachusetts Ozone State Implementation Plan, including those addressing VOC emissions from consumer products, industrial coatings, Stage II gasoline dispensing, and metal solvent cleaners.

## **GOAL 2: Clean and Safe Water**

### **Clean Water Act Competitive Grant Program**

MassDEP administered \$753,606 in federal funds for the Clean Water Act 604(b) competitive grant program in FY 2010. As with previous 604(b) grant program funds received, the Department has focused the ARRA funds on watershed or subwatershed-based point- and nonpoint source assessment-type grant projects leading to: 1) determination of the nature, extent and causes of water quality problems, 2) assessment of impacts and determination of effluent limitations necessary to meet water quality standards, 3) green infrastructure projects that manage wet weather to maintain or restore natural hydrology; and 4) development of implementation plans that will address water quality impairments.

Competitive grants were made to eleven municipalities and regional planning agencies to support watershed and sub-watershed nonpoint source planning and assessment activities statewide. <http://www.mass.gov/dep/water/grants.htm>

### **Low-Cost Financing Loans for 103 Wastewater and Drinking Water Infrastructure Projects**

In FY10, low-cost State Revolving Fund (SRF) financing worth nearly \$460 million was offered to 157 communities throughout Massachusetts to fund projects implemented by cities and towns, regional water supply and wastewater treatment districts, and the Massachusetts Water Resources Authority (MWRA). The projects include 70 clean water initiatives totaling nearly \$350 million and 33 drinking water projects totaling more than \$109 million.

This funding round included financing for 24 projects worth nearly \$18.9 million for green infrastructure projects. These projects will involve energy efficiency upgrades to treatment plants and the on-site installation of renewable energy technologies for solar and wind power.

The 2010 SRF list also included 43 priority projects, worth more than \$200 million, for "Environmental Justice" communities. Environmental Justice areas are home to lower-income people and communities of color who may experience a disproportionate share of environmental burdens and often lack environmental assets in their neighborhood.

In Massachusetts, \$177.8 million in federal Recovery Act funds was used to leverage the state's SRF allocation, financing \$770 million worth of construction -- more waterworks construction than any other state in the nation. To date, 100 percent of these projects - 111 statewide - have been bid, contracted and launched construction. For a full listing of the Clean Water SRF projects for 2010, see Table No. 1 at: <http://www.mass.gov/dep/water/wastewater/10cwiup.pdf>

### **Sustainable Water Management Initiative**

In 2010, MassDEP, the Massachusetts Department of Fish and Game (DFG), and the Massachusetts Department of Conservation and Recreation (DCR) teamed up to launch a new interagency effort to better protect Massachusetts streams and rivers, and assure that the Commonwealth's abundant water resources are sustainably used for economic development. This effort involves a practical, science-based method to protect and sustainably manage water resources in developing appropriate streamflow criteria, which will

factor into water resource decisions under the state's Water Management Act and other statutes.

As a first step in the process, MassDEP developed a revised approach to determining safe yield, or the maximum amount of water that would be withdrawn during a drought, for each of the Commonwealth's major river basins. In addition, a Sustainable Water Resources Advisory Committee was created made up of external stakeholders and representatives of environmental agencies. The committee will work closely with the Water Management Act Advisory Committee and the Water Resources Commission to provide advice to EEA and its agencies on the development of a sustainable water allocation system that examines contributing causes and solutions to low streamflow. The committee will advise EEA on a sustainable water allocation methodology that incorporates streamflow criteria, safe yield, impacts on users, conservation measures, economic impacts, mitigation options, environmental safeguards, and consideration of various river uses.

A technical advisory subcommittee will review available science, using it to characterize natural and man-made conditions, and specific streamflow and habitat requirements of Massachusetts river basins.

<http://www.mass.gov/?pageID=e0eeasubtopic&L=4&L0=Home&L1=Air%2C+Water+%26+Climate+Change&L2=Preserving+Water+Resources&L3=Sustainable+Water+Management&sid=E0eea>

### **Grants for Projects Targeting Nonpoint Source Water Pollution -- Pollution Prevention, System Testing, and Training**

Eleven projects totaling more than \$2.2 million were recommended by MassDEP in 2010 as part of the Clean

Water Act Section 319 Nonpoint Source Competitive Grant Program.

The projects will help protect Massachusetts' water resources by restoring and preserving watershed areas, constructing storm-water treatment systems, demonstrating innovative technologies, and educating the public on how to protect sensitive natural resources. Recipients include municipalities, county governments, conservation districts, educational institutions, watershed groups, and private companies.

Ten of the projects are based in the following communities: Barnstable County; Cohasset; Harvard; Leominster; North Reading; Fairhaven; Amherst; Northfield; and Franklin County. The final award is a statewide training project.

The 319 grant program focuses on implementation of measures to control nonpoint sources (NPS) of water pollution. NPS pollution is caused by diffuse sources that are not regulated and are normally associated with precipitation and runoff from the land or infiltration into the soil. Common types of NPS pollution include phosphorus and nitrogen from lawn and garden fertilizers, bacteria from pet waste and waterfowl, oil and grease from parking lots and roadways, and sediment from construction activities and soil erosion.

The projects are now recommended to the U.S. Environmental Protection Agency (EPA) for funding. A 40 percent non-federal match is required for all projects.

Additional information on 319 Nonpoint Source Competitive Grant Program may be found at <http://www.mass.gov/dep/water/grants.htm>

### **Grants Focusing on Drinking Water Conservation Efforts and Drinking Water Losses**

\$538,000 in grants was awarded to 13 projects in December 2009 to reduce drinking water losses through local water conservation programs.

The projects, part of the 2010 Water Conservation Grant Program, will help to preserve Massachusetts' water resources by supporting local water conservation education and outreach programs, water audits, leak detection surveys, water conservation device retrofit and rebate programs, and new water rates. Recipients include public water systems operators and municipalities.

Receiving grant funds are: Abington, Bridgewater, Danvers, Georgetown, Lawrence, Mansfield, Marlborough, New Bedford, North Andover, Onset (Buzzards Bay Water District), Provincetown, Rockland, and Sharon.

The Massachusetts Drinking Water State Revolving Loan Fund provides funds for this grant program in support of the Massachusetts Water Resources Commission and MassDEP watershed management policies and water conservation initiatives, as well as the Massachusetts Water Policy developed through the Executive Office of Energy and Environmental Affairs.

Qualified proposals were selected on a competitive basis. Priority projects include those public water systems with:

- An identified problem meeting water demand;
- A significant environmental concern that would benefit by a reduction in demand;
- A comprehensive strategy to conserve water;
- Water pricing policies that strongly encourage conservation; and
- Existing water loss prevention and water conservation programs.

For information on the Water Conservation Grant Program go to: <http://www.mass.gov/dep/water/wlpgprog.htm>

### **Funding To Protect Land near Public Drinking Water Supplies**

Three grants worth \$510,000 were awarded in January 2010 to 3 Massachusetts communities to protect 173 acres of land vital to safeguarding the quality of public drinking water wells and reservoirs.

The communities of Amherst, Middleboro, and Williamsburg were recipients of Drinking Water Supply Protection Grants that aim to help municipalities and water suppliers acquire land that protects public drinking water resources. Land acquired through the program is open to the general public for recreational use and declared as protected open space for drinking water supply protection purposes under Article 97 of the Massachusetts Constitution.

Grants are funded by the environmental bond bill passed by lawmakers in 2008. Since the grant program's inception in

2005, the Commonwealth has invested more than \$12.3 million through the program to help protect 2,828 acres of land. Drinking Water Supply Protection Grants are awarded through a competitive process, and local partners provide the balance of funding for the project.

<http://www.mass.gov/dep/water/dwgrant.htm>

### **State-Provided Tugboat Escort Services**

A state-provided tugboat escort service was called for by the Massachusetts state oil spill prevention law. This law was passed in the wake of the 2003 spill from the Bouchard Transportation Company barge that released 98,000 gallons of oil and impacted more than 53 miles of shoreline along Buzzards Bay. Beginning in Spring 2010, MassDEP dispatched a tugboat escort to double-hulled tank vessels carrying 6,000 barrels or more of oil while operating in Buzzards Bay and Cape Cod Canal.

The Commonwealth will dispatch the state-provided tugboat escort at no cost to the tank vessel provided that the tank vessel is carrying over 6,000 barrels of oil, is double-hulled construction and is not otherwise required to be accompanied by a tugboat escort.

More Information on the Tugboat Escort Services may be found at: <http://www.mass.gov/dep/cleanup/laws/pilotfs.htm>

## **GOAL 3: Land Preservation and Restoration**

### **Solid Waste Master Plan**

In July 2010, MassDEP issued its draft 2010-2020 Solid Waste Master Plan: *A Pathway to Zero Waste*. The document calls for keeping in place the state's current moratorium on new municipal waste combustion facilities, expanding public and private sector recycling and re-use of waste materials, ensuring greater producer responsibility for materials management, and increasing promotion of recycling businesses and green jobs. The plan incorporates ideas and options developed at a series of public meetings with stakeholders including having MassDEP scale back some of its general permitting and siting responsibilities. The SWMP draft was issued on July 1, 2010 with public meetings in July and September. The deadline for public comment was October 1, 2010, and the final plan is expected to be issued in early 2011. More Information on the Draft Solid Waste Master Plan may be found at:

<http://www.mass.gov/dep/recycle/priorities/dswmpu01.htm>

### **Waste-to-Energy Credit Regulations**

In 2010, MassDEP promulgated Waste-to-Energy Credit (WEC) regulations, to implement a provision in recently enacted legislation which allows waste-to-energy facilities to be paid for the electricity they produce as "renewable." Fifty percent of the revenue must be used in FY 2011 to support recycling programs approved by MassDEP. The Sustainable Materials Recovery Program (SMRP) made awards of \$1.5m to 104

communities in October 2010 for recycling and waste reduction activities.

<http://www.mass.gov/dep/public/press/1010rwrq.htm>

### **Leaking Underground Storage Tank (LUST) Investigation & Remediation**

MassDEP is using approximately \$3.2 million in stimulus money to fund the assessment and/or remediation of over a dozen sites where underground storage tanks stored motor fuels and are known or suspected to have leaked. Tank owners and operators may be liable for LUST funds used to investigate and remediate eligible sites. Sites were selected via MassDEP prioritization and competitive application.

<http://www.mass.gov/dep/cleanup/compliance/tankpro.htm>

### **Funding for Brownfields and Superfund Hazardous Waste Cleanup**

In FY10, MassDEP administered federal ARRA funding for the cleanup of waste sites, and Massachusetts also received additional funding administered directly by EPA. This included \$2.7 million in Recovery Act funds and approximately \$4.4 million from the EPA brownfield general program funding. These funds are being distributed to ten municipalities and regional planning authorities in order to cleanup abandoned and underutilized brownfield sites across the Commonwealth. Brownfields redevelopment in many respects embodies sustainability principles by ensuring the reuse of a property (often located where there is an existing infrastructure, workforce, and other amenities) in lieu of new construction on undeveloped lands that serve as habitat and open space.

Massachusetts also received approximately \$64 million to be used for hazardous waste site cleanup and operations for three of the nation's worst Superfund sites here in the Commonwealth: 1) New Bedford Harbor, 2) Hatheway and Patterson in Mansfield /Foxborough, and 3) Silresim in Lowell. More information on the Brownfield Program may be found at <http://www.mass.gov/dep/cleanup/brownfie.htm>

### **Western Massachusetts Communities Earn More Than \$800,000 for Recycling in 2009, Saving \$2 Million in Waste Disposal Costs**

Recycling efforts of businesses and residents in western Massachusetts resulted in tremendous savings last year, demonstrating the environmental benefits and the cost-saving effects of recycling. The Springfield Materials Recycling Facility (MRF) processed 39,596 tons of recyclable materials last year, yielding \$801,684.80 in revenue and saving at least \$2 million in solid waste disposal costs for 78 communities across western Massachusetts.

The MRF, which is owned by the Massachusetts Department of Environmental Protection (MassDEP) and operated by Waste Management Recycling America (WMRA), issues revenue payments to communities every six months. WMRA pays the communities a flat rate of \$15.67 per ton for their recyclables plus an additional revenue share when market prices are high.

After a steep decline in recycling markets in the fall of 2008, the markets rallied in 2009 so that municipalities were once again sharing in the revenues of the Springfield MRF by June 2009. Throughout 2009, the Springfield MRF continued to

process all incoming recycled materials, which were sold to manufacturers that make game board, book board, automotive parts, plastic bottles, fiberfill, aluminum cans, and blue municipal recycling bins.

MassDEP opened the MRF in 1990 to help reduce waste, divert material away from landfills and incinerators and encourage the re-use of recyclable materials. Since 1990, western Massachusetts communities have processed more than 850 million pounds of recyclables through the MRF. <http://www.mass.gov/dep/public/press/0310mrfs.htm>

### **The Mercury Management Act - Massachusetts Lamp Recycling Rate at 34%**

The Mercury Management Act directs MassDEP to determine a statewide recycling rate for mercury-added lamps, starting with calendar year 2008 and establishes the following recycling targets for mercury-containing lamps:

- 30 percent by December 31, 2008,
- 40 percent by December 31, 2009,
- 50 percent by December 31, 2010, and
- 70 percent by December 31, 2011, and each year thereafter.

If recycling efforts do not meet these targets, the Mercury Management Act requires lamp manufacturers to provide up to \$1 million per year to MassDEP for grants to municipalities and/or regional authorities to facilitate meeting the recycling rates.

In August 2010, MassDEP finalized the Massachusetts Lamp Recycling Rate Calculation for 2008, and determined the recycling rate to be 34% (4% above the mandated target).

Massachusetts Mercury Management Act information may be found at: <http://www.mass.gov/dep/toxics/stypes/hgres.htm#mma>

### **Partnership with Supermarkets Cuts Down on Disposable Bag Use by 25%**

MassDEP launched a joint initiative in 2009 with the supermarket industry to cut the number of disposable paper and plastic grocery bags distributed in Massachusetts. MassDEP officials signed a memorandum of understanding with the Massachusetts Food Association (MFA), an industry group representing more than 500 grocery stores. Each year, Massachusetts grocery stores distribute more than 1.5 billion paper and plastic bags. In many cases, these bags are used only once. A small percentage is recycled. But too often, bags become unsightly litter in communities and add to soaring waste disposal costs.

The joint initiative has scored excellent results during the first two years - a reduction of 25 percent. As part of the voluntary initiative, 12 supermarket chains, comprised of 384 stores representing over two-thirds of the industry in Massachusetts, have been participating in the effort by tracking annual paper and plastic bag usage. The goal of the initiative is a reduction of at least 33 percent by 2013.

Participating grocery chains include: Big Y Supermarkets, Crosby's, DeMoulas Market Basket, Donelan's, Foodmaster, Hannaford Bros., Price Chopper, PriceRite, Roche Bros., Shaw's Supermarkets, The Stop & Shop Supermarket Co., and Trucchi's. Each supermarket chain has implemented steps to encourage using less disposable bags, including training staff to reduce wasteful distribution of bags, offering reusable bags

for sale, providing cash incentives for reusable bag use, accepting used plastic bags for recycling and posting instructional signs reminding patrons not to forget to bring their bags.

In addition to the industry working to reduce the distribution of disposable shopping bags, MassDEP has created a consumer brochure entitled Sack the Bag that encourages shoppers to use fewer disposable bags. Access the brochure here: <http://www.mass.gov/dep/recycle/reduce/sackbag.pdf>

### **MassDEP co-sponsors Green Remediation**

**Conference** – This international conference held at UMass Amherst June 15-17, 2010 provided a forum for scientists, regulators, managers, and other stakeholders from around the globe to interact and share new knowledge in both basic and applied research in green and sustainable remediation. <http://www.umass.edu/tei/conferences/GreenRemediation/index.html>

## **GOAL 4: Healthy Communities and Ecosystems**

### **Underground Storage Tank Leak Prevention**

The Underground Storage Tank (UST) program, designed to prevent pollution from leaking chemical and petroleum products was transferred to MassDEP from the Massachusetts Department of Fire Services in July 2009. To meet the August 8, 2010 EPA deadline to have all tanks inspected, MassDEP undertook an unprecedented compliance assistance initiative, visiting nearly all of the 4,500 UST facilities to educate UST

owners and operators on the inspection requirements and verify key facility information. The project was completed in 6 months. Preliminary analysis of data collected during the initiative indicates that:

- MassDEP increased the number of third-party inspector (TPI) inspected facilities from 641 at the time of program transfer in July 2009 to nearly 2,300 (about 52% of the universe) by the completion of the project at the end of July 2010. By having facilities inspected, we help ensure that they are operated and maintained in compliance with the regulations that were established to prevent releases.
- Approximately 65% of owners or operators of facilities were able to demonstrate the financial responsibility required to perform response actions in the event of a release.

More Information on the UST Program may be found at <http://www.mass.gov/dep/toxics/ust/index.htm>

### **The Well Drillers Program**

The Well Drillers program was transferred to MassDEP from the Massachusetts Department of Conservation & Recreation on October 1, 2009. The purpose of the program is to protect the Commonwealth's groundwater resources from impairment by ensuring that productive and non-productive wells are drilled, constructed, altered, or decommissioned properly. As a first step in adopting this program, MassDEP formed a technical advisory committee that consisted of representatives from local Boards of Health, the regulated business community

and state regulators, to solicit input on the program – what was working and which aspects of the program could be improved and made more efficient. In the past year the Well Driller's Program has promulgated new regulations to allow the program to function smoothly at MassDEP.

MassDEP also developed three computer applications that will allow drillers to renew their certifications and register their rigs online, and electronically file well completion data for the 3,000 to 4,000 well reports that are submitted annually to the agency via eDEP. In addition, MassDEP launched a searchable online database called "Searchwell." Searchwell provides the well drilling industry, as well as local, state and federal government entities and the general public with information on some 90,000 wells (19,823 of which have location information). Information on the Massachusetts Well Drillers program can be found at:

<http://www.mass.gov/dep/water/drinking/welldrill.htm>

You may access Searchwell at:

<http://public.dep.state.ma.us/searchwell/>

### **MassDEP Hidden Cameras Capture Illegal Dumping**

In a cooperative effort to combat illegal dumping in the City of Springfield, the MassDEP installed hidden cameras in high-risk locales earlier this year that - so far - have captured images of 14 perpetrators who were subsequently fined, and in some cases brought back to clean up their mess. In collaboration with the Springfield police and parks departments, MassDEP installed in March 2010 small, battery-operated digital cameras in public rights-of-way that were triggered by motion sensors.

After installing the cameras, MassDEP and the city found

frequent visitors who brought along construction debris, appliances, household garbage and furniture. The city, like many other municipalities across the state, historically has incurred thousands of dollars in cleanup costs at these sites over the years because of chronic dumping.

Fourteen incidents of dumping were captured by the cameras. Waste included scrap wood, propane tanks, furniture, tires, electronics, mattresses and bags of garbage. The waste that was dumped could in many cases have been disposed of for free by simply contacting the DPW or by obtaining a bulk item sticker for a nominal fee.

Since the start of the "Candid Camera" program in 2005, MassDEP has partnered with over a dozen municipalities at frequent illegal dump sites. To date, the program has resulted in over 50 illegal dumpers being identified and fined by the cities or by MassDEP.

<http://www.mass.gov/dep/public/press/1010enf.htm>

### **Online 21E File Review Available**

MassDEP went live in FFY10 with the latest piece of its Waste Site Cleanup Online File Review project. More than 20 years of historical site assessment and cleanup records are now being made available online, providing direct 24-hour access, 7 days a week. Rather than scheduling a time- and energy-consuming appointment to review boxes of paper files, the information will be available anytime, to anyone, from any computer with an internet connection.

Since January 2010, batches of scanned legacy files were loaded on a monthly basis and currently over 46,000

documents - more than 743 gigabytes of data - have been made available for sites in 71 cities and towns in Massachusetts, including the sites located within the city of Boston. Users can search the Searchable Site List to find a map of sites in a town, a summary of information about a particular site, and links to all the documents available for the site.

MassDEP is also moving away from paper reports entirely. Since 2009, Waste Site Cleanup submittals from environmental consultants conducting cleanup work must be made electronically through eDEP - MassDEP's online filing system. These reports, which include site assessments, sampling data, closure reports and applicable land use restrictions, are available to MassDEP staff and the public through the Searchable Site List.

Questions about the electronic submittal of material through eDEP, the electronic file review system or the scanning project can be directed to the MassDEP Bureau of Waste Site Cleanup at [BWSC.eDEP@state.ma.us](mailto:BWSC.eDEP@state.ma.us).

Information on the Online 21E File Review may be found at: <http://www.mass.gov/dep/service/online/filertx.htm>

### **MA Homeowner Oil Heating System Upgrade and Insurance Law**

Massachusetts has a new law to address oil leaks from home heating systems (Chapter 453 of the Acts of 2008, as most recently amended in 2010). By September 30, 2011, homeowners must upgrade home heating system equipment to prevent leaks from tanks and pipes that connect to the

furnace. The rule is intended to get homeowners to make a relatively small expenditure now in order to prevent a much greater expense in the future.

This law has two major provisions that require:

- the installation of either an oil safety valve or an oil supply line with protective sleeve on systems that do not currently have these devices; and
- insurance companies that write homeowner policies to offer coverage for leaks from heating systems that use oil.

Most homeowner policies do not currently include such coverage, leaving many homeowners to pay for costly cleanups out of their own pocket. Although it is mandatory that insurance companies make this coverage available by July 1, 2010 to homeowners whose systems are upgraded, the insurance is an optional purchase.

Information on the Homeowner Oil Heating System Upgrade and Insurance Law program can be found at:  
<http://www.mass.gov/dep/cleanup/laws/hhsl.htm>

## **GOAL 5: Compliance and Environmental Stewardship**

### **MassDEP's Compliance Assurance Strategy**

MassDEP employs a Compliance Assurance Strategy that promotes environmental compliance through compliance

assessment activities, enforcement, technical assistance, and public education. We need to ensure that as we strive to achieve our ultimate goal—maintaining a clean and healthy environment—we strategically utilize and integrate all these compliance assurance tools, utilizing the best mix of these tools that will achieve strategic goals, including:

- ***Compliance Assessment and Verification:*** Efforts designed to assess how a sector or group of sources is performing, or the effectiveness of a particular compliance assurance strategy. As MassDEP increasingly relies on compliance information provided by the regulated entities to determine compliance status, an important element of these efforts is to ensure the validity of this information and actual compliance.
- ***Protecting Healthy Communities Through Environmental Compliance:*** MassDEP regularly develops compliance assurance and enforcement initiatives to address matters that have direct impacts on public health or the environment.
- ***Targeted Enforcement to Achieve Results:*** Compliance assurance efforts that are targeted to address a sector or regulated entities for which we know or suspect there are noncompliance issues, including coordinated enforcement action targeting a specific sector with a known history of poor compliance.
- ***Leveraging Partnerships to Achieve Environmental Goals:*** Collaborating with other agencies, both state and federal, as well as with municipalities, leverage resources

and expertise. During difficult economic times, when state and local governments face significant budgetary and resource constraints, such partnerships are even more critical.

### **Agency-wide Planning Approach to Compliance Assurance**

In FY10, MassDEP initiated a robust agency-wide planning process to ensure we are proactive and strategically planning our compliance resources to achieve our goals.

Through this process, MassDEP looked at all planned compliance assessment activities, as well as the goal or aim of each activity. Compliance activities are used for:

- Regular, routine inspections of our largest facilities, to ensure they remain in compliance, and to meet our federal commitments;
- Inspections to follow-up on significant compliance concerns we become aware of at other facilities;
- Enforcement blitzes, designed to identify violators and improve performance of a sector with a known or suspected compliance problem;
- Assessment of the environmental performance of a group or source to determine if there are compliance problems endemic to that group, which may need to be addressed systematically.

The Department plans to continue this enhanced planning and evaluation approach in FFY11. To support this process, three new reporting tools were developed to help staff and managers, particularly in the areas of tracking progress and reporting results. This approach allows the agency to ensure

diminishing resources are directed to the highest priorities and then redirect them if results are not as expected.

### **Compliance and Enforcement Activities**

A crucial element of any effective compliance assurance strategy is a robust compliance and enforcement program that maintains a highly-visible presence in the regulated community, includes the issuance of timely and appropriate penalties, and takes other enforcement actions against environmental scofflaws. The goal is to deter current and would-be rule-breakers by finding violators, and to make those violators return to compliance, restore any damage caused, and pay a penalty that exceeds the economic benefit of non-compliance. Despite diminishing resources, in FY10 MassDEP continued to maintain a robust compliance and enforcement presence, as summarized below:

- **Inspections:** In FY10, MassDEP performed 10,517 inspections, a level of inspections well above the agency's five-year average (7,887). (This increase reflects the significant resources that MassDEP dedicated to compliance assistance inspection at facilities with underground storage tanks.) This demonstrates that despite the resource constraints that began to impact MassDEP in FY09 and FY10, the agency continued to maintain a robust field compliance presence.
- **Enforcement Actions:** Last year, MassDEP's enforcement efforts continued to yield important environmental benefits, such as reduced ozone pollution,

fewer asbestos particles released to the air, proper cleanup of contaminated soils, and protected water for Massachusetts citizens. In FY10, MassDEP issued more than 3,200 enforcement actions, ranging from "Notices of Noncompliance" to "Administrative Consent Orders" to Attorney General civil settlements and criminal dispositions. This number was largely consistent with the agency's five-year average (3,552). There was a slight dip in the number of "lower-level" enforcement actions (notices of non-compliance) from the previous year, and also in the "higher level" actions (administrative orders and penalty assessments), representing the more serious cases (978 to 926). The total penalty dollars assessed, including all the penalties assessed by MassDEP and those from cases on which we collaborated with the Attorney General, totaled 49.2 million. This was a significant increase over the \$6.8 million in FY09.

A Compliance and Enforcement Report for Fiscal Year 2010 will be available on MassDEP's website by early 2011.

### **Compliance and Enforcement (C&E) Information Technology (IT) Enterprise Project**

The Compliance and Enforcement (C&E) Information Technology (IT) Enterprise Project is an effort intended to use computer technology to improve the efficiency and effectiveness of MassDEP's compliance and enforcement activities across all programs. Due to budget cuts and a major realignment of IT resources in state government, progress on the Compliance and Enforcement Information Technology

Enterprise Project slowed down in FY10. However, program staff continued to work on defining the business requirements for the various systems that will comprise the DEP-wide enterprise project, allowing DEP to be in a good position once IT resources become available and as the realignment of state IT resources is completed.

### **Enforcement Training for MassDEP Personnel**

MassDEP continues to develop, provide and obtain professional training for a variety of staff. Examples from FY10 include the following:

- In November 2009, MassDEP personnel received training on the nuts and bolts of an administrative enforcement action, starting with the basics of regulatory analysis in an enforcement context to the fundamentals of participating in and getting a result from an administrative enforcement conference.
- In May 2010, staff attended an "Adapting to Climate Change" training by the US EPA's National Enforcement Training Institute (NETI). This addressed the need to adapt to current and projected climate change impacts.

### **Emergency Preparedness**

MassDEP implemented a number of strategies to enhance our environmental/emergency preparedness and to support local emergency responders, including:

- Developing the revised Massachusetts Disaster Debris Management Plan which provides the framework for state and local disaster debris management (the plan was approved by FEMA and published by MEMA in February 2010).

- Enhancing coordination within the Commonwealth's Incident Command Structure.
- Continuing to develop MassDEP's Emergency Operations Center to integrate and exchange information with other agencies that respond to significant incidents.
- Continuing to develop, refine, and optimize operations of MassDEP's Field Assessment and Support Team (FAST), including its primary asset, a 27-foot long mobile laboratory vehicle.

These efforts improve the agency's ability to generate and evaluate data in the field and to support and enhance emergency response operations.

In FFY10, the FAST (Field Assessment & Support Team) mobilized to respond to the following:

- NEW BEDFORD- June 14 – June 17, 2010: FAST personnel joined EPA and other DEP staff in monitoring cleanup actions at a seafood storage facility on New Bedford harbor. Of concern were 250 tons of clams that had been off-loaded by the vessel ESS Pursuit, and that were possibly contaminated with a sulfur mustard agent.
- BLANFORD – July 28, 2010: FAST personnel joined EPA and other DEP staff in monitoring cleanup actions at a rest stop along the Mass Pike where waste acids were leaking from a truck.
- WORCESTER - September 24 – 26, 2010: FAST personnel joined EPA and other DEP staff in assessing

mercury contamination in homes surrounding the Grafton Street School. Mercury was tracked back to a few homes after a student brought a jar of mercury to the school earlier in the week.

Background information on FAST can be found at: <http://www.mass.gov/dep/public/publications/1108fast.htm>

## Cross-Cutting Issues

### Environmental Justice Policy

The Commonwealth's Executive Office of Energy and Environmental Affairs (EEA) established an Environmental Justice (EJ) Policy to help address the disproportionate share of environmental burdens experienced by lower-income people and communities of color who, at the same time, often lack environmental assets in their neighborhoods. The policy is designed to help ensure their protection from environmental pollution as well as promote community involvement in planning and environmental decision-making to maintain and/or enhance the environmental quality of their neighborhoods.

MassDEP continued to implement its core programs in permitting, compliance and enforcement, and financial assistance consistent with the Executive Office's Environmental Justice Policy. In FY10, MassDEP conducted a significant percentage of site visits in EJ areas, approaching 50% or more in some regions, and handled a number of asbestos and illegal dumping related enforcement cases in EJ locations. In addition, more than 100 school bus diesel retrofits were

funded in EJ locations, and about half the municipalities identified in the 2010 Clean Water State Revolving Fund (SRF) Intended Use Plan are EJ communities. New Bedford, Holyoke, Plymouth, Worcester, Framingham, Revere, Haverhill, Taunton, Southbridge, Fitchburg, Chicopee, Everett, Barnstable, Cambridge, Gloucester, Leominster, Lowell and Quincy made the SRF list for projects ranging from CSO mitigation to WWTF upgrades, to sewer extension projects. Significant staff effort was also expended in FFY10 on: Brownfields development in EJ areas; the assessment/remediation of the Parker Street hazardous waste site in New Bedford; and permit review of the proposal for an electric generation facility in Brockton.

### **Applying the Speed of the Internet**

In FY2010, MassDEP achieved another record for annual on-line transactions through eDEP, MassDEP's web-based transaction system; with 561,170 new permit applications, certifications, registrations and other submittals received, as compared to the 312,895 forms submitted in FY 2009. These included the submittal of 1,913 of the new forms for the Drinking Water Program, 630 submittals of new forms for the Wetlands Program; and the submittal of 175 new Solid Waste Recycling Program forms. The Department continues to look at new ways to improve the performance of this system.

Information on eDEP can be obtained at:

<http://www.mass.gov/dep/service/compliance/edeponlf.htm>

### **Decisions at the Speed of Business**

MassDEP continues to deliver on Governor Deval Patrick's *Regulation at the Speed of Business* initiative. This initiative:

- Reduced most of MassDEP permitting timelines by 20%.
- Committed to issuing 90% of all permit decisions in 180 days or less.

Despite significant staff losses due to our economic crisis, MassDEP has successfully met the Governor's charge. In FY10:

- Approximately 97% of the permits were decided within 180 days, and
- Approximately 96% of permits were decided within the revised permitting timelines.

Background on MassDEP's permit streamlining efforts can be found at:

<http://www.mass.gov/dep/service/approvals/streamln.htm>

		<b>New</b>	<b>MassDEP FFY10 PPA Commitments</b>	<b>Year End Status</b>
		<b>Revised</b>		
		<b>Same</b>		
			<b>GOAL 1: CLEAN AIR &amp; GLOBAL CLIMATE CHANGE</b>	
			<b>Objective 1.1 Healthier Outdoor Air</b>	
			<b>Sub-Objective 1.1.1 By 2015, Working with Partners, Improve Air Quality for Ozone and PM2.5</b>	
			<i>Ground Level Ozone, Fine PM and Lead</i>	
1	Same	Participate in EPA's AIRNOW program. This includes: 1) Submitting ozone and PM2.5 real-time data and forecasts to the Data Management Center; 2) Issuing EnviroFlash alerts; 3) participating in Region I's outreach and forecasting workshop; and 4) as state travel restrictions allow, attending the annual National Air Quality Conference.		All completed except for #4 because of budget constraints and travel restrictions.
2	Revised	If ozone areas fail to attain the 0.08 ppm standard and are not eligible for a one year extension, submit voluntary bump-up request. (OAQPS N29)		MA ozone areas are meeting the standard. No bump-up required.
3	Revised	Continue development of 2008 periodic emission inventory, which may become the base year inventory for new 0.075 ppm ozone standard.		MassDEP electronically submitted NonPoint and Point emissions data in NEI format by the June 1, 2010 deadline. MassDEP electronically submitted revised Point, Onroad/NONROAD NCD MOVES inputs, and Westover Military Aircraft emissions by EPA Nov.1 deadline
4	Same	Ensure that the state's air emissions database is compatible with EPA's re-designed National Emissions Inventory (NEI) database system.		ongoing
5	Revised	Develop and implement any rules necessary pursuant to the following new CTGs issued by EPA: 1) Industrial Cleaning Solvents; 2) Offset Lithographic Printing & Letterpress Printing; 3) Flexible Package Printing; 4) Paper, Film, and Foil Coatings; and 5) Miscellaneous Industrial Adhesives		Analysis of existing regulations and regulation development began for 1) Industrial Cleaning Solvents, as well as group of web coating processes including 2) Offset Lithographic Printing & Letterpress Printing; 3) Flexible Package Printing; and 4) Paper, Film, and Foil Coatings. Adhesives rule was drafted and went through one round of internal review. Revisions have been made and a 2 <sup>nd</sup> round of review is in the process.
6	Revised	Identify the number of sources and analyze whether the existing controls are equivalent to the CTG to determine if the following CTGs are necessary: 1) Metal Furniture Coating; 2) Miscellaneous Metal Products and Plastic Parts Coatings; 3) Fiberglass Boat Manufacturing Materials; and 4) Flat Wood Paneling Coatings.. If the CTGs are deemed necessary, develop rules and implement; otherwise submit negative declarations.		Work on this is deferred until FFY11, pending the hiring of additional staff.

7	New	Submit a negative declaration for the following CTGs: 1) Large Appliance Coatings; and 2) Automobile and Light-Duty Truck Assembly Coatings.	Work on this is deferred until FFY11, pending the hiring of additional staff.
8	Same	Submit rules relied on in 8-hour attainment demonstration, including rules limiting emissions from asphalt paving, adhesives & sealants, Architectural Industrial and Maintenance Coatings (AIM) & Consumer Products, Solvent metal degreasing, Stage II Vent caps, revisions to the automobile I&M rule, and the NOx provisions of 310 CMR 7.29.	AIM & Consumer Products, Solvent metal degreasing, and Stage II Vent caps regulations were submitted to EPA 6/2/2010. Revisions to the automobile I&M rule submitted to EPA as a SIP revision on 6/1/09 – EPA found SIP package to be “administratively complete” on 12/14/09 – SIP approval date unknown . Internal working drafts of the NOx, asphalt paving and Adhesives and Sealants rules had been initiated but delayed due to regulatory moratorium and resource constraints.
9	New	Submit revisions to MA CAIR to address cogen/biomass revisions to the CAIR Rule, if necessary. EPA will work with MA.	Work deferred on cogen/biomass revisions to 310 CMR 7.32 due to pending replacement of CAIR with Transport Rule (310 CMR 7.32 will be eliminated by Transport Rule beginning 1/1/2012).
10	New	Submit infrastructure SIP for the 2006 PM2.5 24-hour standard. EPA will provide guidance to the state. SIP is due Sept 21, 2009.	SIP Submitted 9/21/2009.
11	Same	Explore options for addressing EGU emissions during high electricity demand days (HEDD). Keep apprised of efforts made by other New England states on this issue, and explore the feasibility of adopting a HEDD regulation.	Participated in development on OTC HEDD combustion turbines model rule (approved 11/2010 by OTC), continuing to coordinate with other states on additional potential HEDD measures
13	Same	Complete and submit annual I/M reports to EPA. (OTAQ 06)	In development – to be submitted to EPA in November/December 2010
14	Revised	Submit State designation recommendations for the 2008 Lead NAAQS. Recommendations due by October 15, 2009.	Recommendations submitted 10/14/2009.
15	Revised	EPA will review state ozone designation recommendations and respond by November 12, 2009. States should submit additional information (if necessary) to EPA by January 12, 2010.	EPA did not proceed with designations -pending review of revised ozone standard.
16	Same	Process conformity determinations for ozone nonattainment areas and CO maintenance areas. (OTAQ 03a)	Conformity Reviews completed – MassDEP concurrence letter sent to MassDOT on 11/23/10
17	Same	Participate in Northeast Diesel Collaborative to advance state and regional programs to reduce diesel emissions. Implement EPA/NEDC grant funding projects (school buses and construction equipment).	Participate on bi-weekly NEDC calls and workgroups; school bus grant work complete; construction equipment grant extended until 5/30/2011 (3 vehicles left to retrofit)

18	Same	Support the 2009 EPA/Northeast Diesel Collaborative (NEDC) RFP to local communities and other partners to encourage the submission of proposals from MA organizations.	Currently working with municipalities on MassDEP retrofit and other diesel projects (waste collection vehicles, hybrid trucks), Massport, and MBTA to implement diesel projects.
19	Same	Submit a revised CO maintenance plan accounting for proposed closure of Lowell CO monitor.	Submitted 4/14/2010.
20	Same	Submit a CO limited maintenance plan for the Boston Area's second ten-year maintenance period.	This has been tabled due to more pressing priorities
		<i>Regional Haze</i>	
21	Same	Participate in the northeast regional haze planning organization Mid-Atlantic and Northeast States Visibility Union (MANE VU).	Participated in MANE-VU calls and meetings.
22	Same	Submit regional haze SIP, with BART provisions, to EPA. SIP was due December 17, 2007. (OAQPS N08)	Will submit draft SIP to EPA prior to Jan 15, 2011.
		<i>Title V / New Source Review (NSR) Permits</i>	
23	Revised	Complete issuance of initial Title V permits for Dominion Energy, Haverhill Paperboard.	Dominion/Haverhill closed and Salem was issued
24	Same	Insure that 100 percent of significant Title V operating permit revisions are issued within 18 months of receiving a complete permit application or settlement of an enforcement case. Provide necessary data through the TOPS Tracking Form to document the goal every six months. (OAQPS P08a and OAQPS P11)	Reported to EPA semi-annually
25	Same	Insure that 94 percent of new Title V operating permits are issued within 18 months of receiving a complete permit application or settlement of an enforcement case. Provide necessary data through the TOPS Tracking Form to document the goal every six months. (OAQPS P08b and OAQPS P11)	Reported to EPA semi-annually
26	Revised	Title V renewals: Reduce the total universe of title V sources with extended permits by 10%. (OAQPS P07a and OAQPS P11)	Per EPA's calculation methodology, MassDEP met this goal. MassDEP issued 10.6% of permit renewals that were more than 9 months overdue over the reporting timeframe. (A permit is considered to be "extended" if it has not been renewed within 9 months of MassDEP's receipt of a "complete" permit renewal application.)
27	Same	Respond to EPA's comments on state's NSR equivalency demonstration, if necessary.	EPA did not provide any comments.

28	Same	Insure that 78 percent of major NSR permits are issued within 12 months of receiving a complete permit application. Provide necessary data to document the goal every six months. (OAQPS P001)	During FFY10, Data was reported to EPA on the required schedule. 5 major NSR permits were under review and 1 issued - which was issued within 12 month timeframe. It is anticipated that the 4 remaining NSR permits will be issued within 12 months of receiving a complete permit application, unless held for requests for supplemental information or other pending agency action/decision.
29	Same	Insure that data are submitted to EPA's RACT, BACT, LAER Clearinghouse for new major sources and major modifications within 30 days of permit issuance. Provide the data documenting the timeliness of the submissions in the end of year report.	No final actions/permit issuance on control technology in FFY2010
30	Revised	Until such time that MA DEP has its own federally-approved PSD program or resumes partial delegation of the federal Prevention of Significant Deterioration program, MA DEP and EPA-Region I will collaborate closely in EPA's issuance of PSD permits for MA facilities. MA DEP will take the lead in drafting the permit and fact sheet for new permit applications, unless EPA agrees that other permit data is sufficient or a draft fact sheet is not needed. EPA will attend joint meetings with MA DEP and applicants or potential applicants to discuss the most efficient and timely way to process specific permit applications.	MassDEP continues to collaborate closely with EPA as described
31	Same	Submit a final rule to meet the SIP-approved requirements for a Prevention of Significant Deterioration program by December 31, 2009.	Drafted proposed rule during FFY2010 which is currently under internal review. MassDEP anticipates submitting proposed rule to EPA early in FFY11 for concurrent processing.
		<b>Sub-Objective 1.1.2 By 2011 Reduce the Risk to Public Health and the Environment from Toxic Air Pollutants by Working With Partners to Reduce Air Toxics Emissions and Implement Area-Specific Approaches</b>	
		<i>Air Toxics</i>	

32	Revised	Work collaboratively as MassDEP staffing and priorities allow to help the Region implement its strategy for the National Emission Standard for Hazardous Air Pollutants (NESHAP) for the Paint Stripping and Miscellaneous Surface Coating and Auto Body Refinishing NESHAP. Examples of activities may include: implementation of the common measures project; send staff to train the trainer workshops; help to plan or conduct training events in Massachusetts; send state staff to speak at training events in Massachusetts; promote pollution prevention and non-HAP coatings; and participate in an EPA/state workgroup.	MassDEP staff responded to EPA requests for assistance and review of EPA measurement and implementation work. MassDEP participated in some training workshops.
33	Same	Continue delegation and implementation of toxic requirements under section 112, 129, and 111(d) for major sources rules, area source rules, and residual risk rules. (OAQPS T06)	Continued to accept delegation - Delegation and implementation is only for Title V Operating Permit facilities.
34	Same	Submit revisions to 310CMR 7.08 which meet EPA's May 10, 2006 final rule for Large Municipal Waste Combustors and EPA's December 16, 2005 rule for Other Solid Waste Incinerators.	Regulation development ongoing. MassDEP anticipates submitting final rules to EPA late in FFY11
35	Revised	Explore strategies to reduce human health risks indicated by state and national air toxics assessment analyses. Participate in NESCAUM Public Health Subcommittee.	Participated in monthly NESCAUM committee calls and attended annual committee meeting.
36	Same	Work to implement strategies under the New England Governors - Eastern Canadian Premiers (NEG-ECP) and state mercury action plans.	MassDEP has continued to implement a number of strategies under the New England Governors - Eastern Canadian Premiers (NEG-ECP) and state mercury action plans including ongoing: monitoring of mercury levels in freshwater fish; implementation of the MA Mercury Products Law; implementation of MA regulations requiring use of amalgam separator pollution controls at dental offices; leadership of the NEG-ECP Mercury Task Force; and, participation on the ECOS Quicksilver Caucus.
37	Same	Support EPA's efforts to produce an accurate National Emission Inventory (NEI) for Hazardous Air Pollutants (HAPs). This includes: (1) reviewing Massachusetts point source data released for comment under EPA's Risk and Technology Review rulemakings; and (2) collecting HAP data from sources for the 2008 NEI for HAPs. (OAQPS T07)	Point source data has been reviewed and corrected for NATA high risk point sources. Some HAP data is routinely collected and analyzed through our annual Source Registration and Toxics Use Reduction programs.
		<b>Objective 1.2 Healthier Indoor Air</b>	
		<b>Objective 1.3 Protect the Ozone Layer</b>	
		No specific PPA related action for the State	
		<b>Objective 1.4 Radiation</b>	
		No specific PPA related action for the State	
		<b>Objective 1.5 Reduce Greenhouse Gas Emissions</b>	

39	Revised	Complete the development of a guidance document for mitigating GHG emissions from development projects (MEPA GHG policy). The Guidance Document would assist EOOEA agencies, including MassDEP, in identifying the most cost-effective measures for reducing project impacts, and can also serve as a resource for project proponents subject to this requirement.	MassDEP is working with a consultant and other Massachusetts agencies to finalize fact sheets for the MEPA GHG guidance. Expect final version in First quarter of 2011.
		<b>Sub-Objective 1.5.1 By 2012, 46 Million Metric Tons of Carbon Equivalent (MMTCE) will be Reduced in the Building Sector (compared to the 2002 level).</b>	
		<b>Sub-Objective 1.5.2 By 2012, 99 MMTCE will be Reduced in the Industry Sector (compared to the 2002 level).</b>	
40	Revised	Work with EPA to promote energy efficiency upgrades in the wastewater and drinking water sectors. Strategies include aeration and pump optimization, promoting more efficient motors and/or boilers, and onsite power generation opportunities where they save energy and reduce emissions. Include complementary activities in the "MassDEP only" portion of the plan.	Based on the success of the MA Energy Pilot, an interagency team from EEA, DEP, DOER and EPA has recruited a group of Energy Leaders for a focused effort to use a "Plan-Do-Check-Act" management systems approach to reduce water and wastewater facilities' energy use by 25% over five years; increase the use of renewables by 50% within 2 years, and double the number of "zero net energy" facilities in the state within 2 years.
41	Same	Work with EPA to encourage local communities to participate in the New England Community Energy Challenge. Include complementary activities in the "MassDEP only" portion of the plan.	MassDEP continues to support municipal participation in the NE CEC, including via the "Energy Leaders" effort described above.
42	Revised	Implement the state's revised CHP regulation by providing technical assistance as needed.	Provided technical assistance as needed upon inquiries from MassDEP regional offices and the public.
		<b>Sub-Objective 1.5.3 By 2012 15 MMTCE will be Reduced in the Transportation Sector (compared to the 2002 level).</b>	
43	Same	Continue to implement the MA Rideshare program	Rideshare work ongoing.
44	New	Through the Northeast Diesel Collaborative promote programs to improve fuel efficiency and reduce emissions from transportation and goods movement such as EPA's SmartWay Transport Partnership. (OTAQ 04)	Ongoing participation on NEDC and NEDC freight workgroup to promote SmartWay
45	Same	Through the Northeast Diesel Collaborative promote cleaner transportation fuels, including E-85, low sulfur diesel fuel in marine and locomotive applications, and biodiesel. Note MassDEP will implement provisions of the new climate change/energy efficiency legislation (Green Communities Act, Global Warming Solutions Act, and the Clean Energy Biofuels Act). BWP will work on this initiative to the extent that resources allow and these EPA activities are consistent with state mandates.	Not doing due to resource constraints

		<b>Objective 1.6 Enhance Science &amp; Research</b>	
		<i>Air Monitoring</i>	
46	New	Air Monitoring Network: Implement plans to monitor for October, 2008 lead NAAQS. Annual network plan should address the need for lead source based monitors to be operational by January 1, 2010, and population based monitors must be operational by January 1, 2011. (OAQPS M21)	EPA has proposed changes to the lead air monitoring requirements and MassDEP is on schedule to meet either the proposed or current monitoring requirements.
47	Revised	Air Monitoring Network: NCore plans due to EPA on July 1, 2009. Phase in use of NCore monitors, especially trace gas monitors, in order for the NCore sites to be fully operational by the required January 1, 2011 start date. Once operational, report data to AQS.	NCORE site will meet all monitoring requirements by January, 2011.
48	Same	Air Monitoring Network: Submit to EPA by July 1 the annual air monitoring network plan and schedule (40 CFR 58.10). (OAQPS M08)	Done and approved for 2010.
49	Revised	Air Monitoring Network: Operate EPA-approved network (SLAMS, PAMS, PM), enter the air monitoring, precision and accuracy data into AQS within 90 days (180 days for PAMS) of the end of each calendar quarter (40 CFR 58.12, 58.14, & 58.16) and submit the annual SLAMS data certification by May 1, 2010 (40 CFR 58.15). (OAQPS M11)	Ongoing. Data certification done for 2010 on May 1, 2010 as scheduled.
50	Same	Toxics Air Monitoring: Continue operation of the toxics air monitoring sites and enter the data into AQS. (OAQPS M20)	Ongoing.
51	Same	Quality Assurance: Update all approved QAPPs annually and five year revisions as needed. Ensure adequate, independent QA audits of NAAQS monitors or participate in NPAP and PEP QA programs. (OAQPS M10)	Ongoing. Annual QAPP letter submitted on Nov 1 2009 as scheduled.
52	New	Submit 5 year Air Monitoring Network Assessment in accordance with 40 CFR 58.10(d), by July 1, 2010. (OAQPS M23)	Submitted 11/2010
53	New	Participate and support EPA in every 3rd year Technical Systems Audit (TSA) for State during FY 2010 (OAQPS M07)	Done
54	Revised	Prepare to terminate or extend, as needed, the FY09 PM §103 air monitoring grant on March 31, 2010.	Done
		<b>GOAL 2: CLEAN &amp; SAFE WATER</b>	
		<b>Objective 2.1 Protect Human Health</b>	
	Same	<b>Sub-Objective 2.1.1 By 2011, 91% of the Population Served by CWSs will Receive Drinking Water That Meets all Applicable Health Based Standards</b>	
	Same	<i>Certification of Drinking Water Labs</i>	The Laboratory Certification Program, including the frequency of inspections of MassDEP-certified laboratories, continues to meet or exceed EPA requirements.

55	Same	Maintain full certification of the DEP WES state principal laboratory and follow up promptly on any action items resulting from EPA's audits of the laboratory. Maintain required schedule for private laboratory inspections.	The MassDEP/WES state principal laboratory continues to maintain certification. The lab passed required proficiency tests and is preparing responses in anticipation of a report of an EPA audit conducted in late FFY2010.
		<i>Source Water Protection</i>	
56	Same	Continue to support implementation of local programs and, where appropriate, continue to integrate source water protection implementation into other programs appropriate (e.g., UIC, stormwater). (Subobjective 2.2.1, Strategic Target SP-4a-b)	DEP continued to provide technical assistance on request. DEP is currently involved in a joint effort to hold two workshops on conservation easements.
		<i>Drinking Water</i>	
57	Same	Work to achieve target of 90% of population served by community water systems (CWSs) that receive drinking water that meets all applicable health-based drinking water standards through approaches including effective treatment and source water protection. (Subobjective 2.2.1)	MA met the 3rd quarter target of 90.0%
58	Same	Work to achieve target of 90% of CWSs that provide drinking water that meets all applicable health-based standards through approaches including effective treatment and source water protection. (Strategic Target SP-1)	3rd quarter GPRA results indicate MA value was 82.1% due to monthly total coliform rule (TCR) violations.
59	Same	Work to achieve target of 95% of "person months" (i.e., all persons served by CWSs times 12 months) during which CWSs provide drinking water that meets all applicable health-based drinking water standards. (Strategic Target SP-2)	MA exceeded the 95% target with a value of 98.4%.
60	Same	LT2/Stage2: Implement rules and coordinate, as necessary, with Region. Work with Region to make any changes necessary to primacy package to obtain EPA approval.	Primacy Package submitted in November 2010
61	Revised	Ground Water Rule (GWR): Submit primacy package and implement rule per extension agreement. Upon submittal of package, work with Region to make any changes to package to obtain approval.	Done as part of the Primacy Package submission in November 2010.

62	Revised	Sanitary surveys: Continue expanded use of electronic sanitary survey tool; conduct surveys of CWS on three-year cycle and NTNCWSs and TNCWSs on five-year cycle. At a minimum, report surveys for surface water and Groundwater Under the Direct Influence (GWUDI) systems to Safe Drinking Water Information Systems(SDWIS). Note: three-year cycle for surveys conducted at CWSs will be measured for FY10 based on the period 1/1/07 through 12/31/09. After effective date of GWR (12/09), "self-audits" by systems will not count as sanitary surveys toward the meeting the measure. (Measure SDW-1a)	Sanitary Surveys continue on planned cycle. All testing on the tablets will be completed by April 2011 and at that point we will ask all regions to begin using them during TNC surveys. The BRP will defer any further evaluation of "self-audit" considerations until next year.
63	Revised	Program Reviews (previously called Data Verifications): Work with the Region to improve SDWIS data quality highlighted in the Data Reliability Study. Prepare for the next program review by reviewing the deficiencies identified in the past program review and discussions with the Region as part of the data reliability study, and evaluate policies, procedures, and data management to ensure that compliance determinations are consistent with state and federal regulations. Continue to implement the corrective action plan developed to follow-up on the deficiencies outlined during the most recent program review.	No new program reviews have been scheduled. The 2008 results did not identify any MCL or treatment technique discrepancies (100% data quality). The monitoring and reporting discrepancies fell into two groups: failure to issue Total Coliform Rule(TCR) violations for late reporting and failure to mandate the reporting of residual running annual average under Stage 1 Disinfection By-Products Rule or to document these values on behalf of the PWSs.
64	Same	Security/Emergency Response: continue to coordinate with EPA on security workshops, drills and pandemic planning.	Coordination included DEP attendance at EPA training on Preventing, Detecting, and Responding to Drinking Water Contamination Events.
65	Revised	Submit primacy package or request for extension for Short-Term LCR revisions by December 10, 2009. Continue to follow-up on any LCR action items (e.g., follow-up on LCR data verification).	Included in Primacy Package submitted in November 2010.
66	Same	Maintain timely and accurate reporting to SDWIS and otherwise comply with 40 CFR 142.15.	DEP continues to meet reporting timeline.
67	Same	Logic Model: Support Region as necessary in roll-out of Logic Model. (The Region will work to minimize any needed support/feedback from MassDEP.)	No requests have been made for DEP to work on the logic model.
		<i>UIC</i>	
68	Revised	Continue to identify and to close or permit identified High Priority Class V Wells (UIC National Measure SDW-8). Continue to close, permit or convert identified motor vehicle waste disposal wells. Continue to report UIC activities (e.g., number of inspections conducted, number of permits issued, number of wells closed, UIC enforcement activity, etc.) to EPA per 7520 forms.	DEP continued to submit the results of permitting on a quarterly basis.

69	New	Complete eDEP (electronic registration - UIC applications), complete upgrades to MassDEP UIC database (authorized-by-rule and permitted Class IV & V wells) and complete schema to transfer UIC data to EPA UIC database. Provide updates responses and clarifications to questions raised during EPA's primacy review related to 1999 amendments to EPA's Class V regulations that may be impacted by recent (and proposed ) MassDEP UIC related regulatory revisions that have occurred since the original MassDEP application for the Class V 1999 amendments. Develop a schedule to finalize and submit a revised MassDEP Primacy Package that reflects the MassDEP UIC related regulatory revisions that have occurred since the original MassDEP application for primacy for the Class V 1999 amendment.	The eDEP project is in the final stages of completion. Work is still underway to complete the schema that will enable DEP to transfer the quarterly results to EPA. It is estimated that the database related work will be completed by the end of April 2011. At that point the work on the primacy package
		<b>Sub-Objective 2.1.2 By 2011, Reduce Public Health Risk and Allow Increased Consumptions of Fish and Shellfish</b>	
		No specific PPA related action for the State	
		<b>Sub-Objective 2.1.3 By 2011 Improve the Quality of Recreational Waters</b>	
		<i>Beaches</i>	
		<b>Objective 2.2 Protect Water Quality</b>	
		<b>Sub-Objective 2.2.1 By 2012 use Pollution Prevention and Restoration Approaches to Protect the Quality of Rivers, Lakes and Streams on a Watershed Basis</b>	
		<i>303(d)/305(b)</i>	
72	Revised	Submit the 2010 305(b)/303(d) Integrated Report and electronic files using ADB by April 1, 2010. (WQ-7). (WQ-7)	Draft report submitted April 1, 2010, final report including responses to comments using the ADB will be completed by December 31, 2010.
73	Same	MassDEP will continue to georeference waters to NHD 1:25,000 and will begin using 1:24,000 when MassGIS is updated to reflect the finer resolution.	All waters are georeferenced on an ongoing basis presently at the 1:25,000 scale. MassGIS has not yet updated to 1:24,000 as DEP is negotiating an MOU with the USGS as a preliminary step.
		<i>Monitoring</i>	
74	Revised	Continue implementing final comprehensive water monitoring strategy covering lakes, rivers and estuaries, as financial resources allow. Begin implementation of probabilistic design survey, as resources allow . (WQ-5)	Probabilistic design was implemented for the first time in 2010 but was done in lieu of other monitoring as a result of a significant reduction in staff due to attrition, layoffs, and retirements.

75	Revised	Provide updated monitoring strategy to EPA if not completed during FY09	Updating strategy was a low priority particularly given a significant loss in monitoring resources. MassDEP will be collaborating with EPA on monitoring resource strategy in FFY11.
76	Revised	Report on outcomes of monitoring activities using FY2009 106 supplemental funding for monitoring by Sept. 30, 2010, and prepare workplan for FY2010 106 supplemental funds by May 1, 2010.	MassDEP prepared and submitted a workplan for supplemental 106 monitoring funds for both FY2009 and 2010, and MassDEP is currently implementing those plans.
		<i>STORET/WQX (Water Quality Exchange)</i>	
77	Same	Continue routine annual uploads of physical, chemical and biological data to WQX (formerly STORET).	New WRATS database is now in production and going through final testing which includes finalizing the link through the WQX node to upload historical data. We hope to complete this in December 2010.
		<i>Water Quality Standards - Biological, Nutrient, Temperature</i>	
78	Same	EPA will continue efforts toward addressing flow quantity and water level issues to ensure protection of instream waters uses and quality with EOEEA, DCR, and other state and federal agencies.	This is an EPA obligation.
79	Revised	Consider development of numerical biological criteria for streams and lakes/ponds.	Inadequate resources were available to do this work. We continue to keep abreast of the development of the biological condition gradient and TALU process for potential development and implementation in MA when resources allow.
80	Same	Continue ongoing WQS activities and work with EPA to resolve outstanding issues.	MassDEP met with EPA staff on several outstanding issues and will continue to do so.
81	Same	Continue to develop nutrient criteria in accordance with the Nutrient Criteria Development and Adoption Plan. (WQ1-b)	Nutrient criteria development is still taking place in FFY11. Initial draft was provided to EPA for comment in FFY10.
		<i>Watershed Approach</i>	

82	Revised	Using the PPA process, 303(d) list, the nonpoint source RFP, national estuary program CCMP, and other state processes, work to identify priority watersheds and water bodies using bacteria source tracking techniques or other available protocols or measures for the state to focus effort to identify and remediate specific sources and to protect and improve water quality. Assist EPA Region 1 in developing targets for FY'11 (Jan./Feb. '10) and reporting progress for FY'10 on the watershed measures L, Y, and W (Sept. '10). (SP-10, SP-11, SP-12)	A primary vehicle using bacteria source tracking techniques was implemented in 3 of our regional offices over the last several years; however, the recent downturn in state funding resulted in the loss of 5 out of 6 FTEs assigned to this task. MassDEP still prioritizes our 319 and other available funding mechanisms to target segments where TMDLs have been developed and/or where specific pollutants causing impairments to target segments for remediation where possible to support the L,Y, and W measures.
83	Revised	In those priority water bodies and watersheds, work to leverage existing tools such as the state's TMDL, nonpoint source, water quality, permit, SRF grant, national estuary, and source water assessment programs to concentrate implementation efforts and to measure improvements.	In addition to above, the 319 solicitation included work to address LYW priorities. Staff plan to participate in an early FFY11 workshop to learn about and possibly use EPA's Recovery Potential methodology to enhance selection of priority projects.
84	Revised	Develop a list of waterbodies for EPA by 2/15/10 that the state is working to fully restore (measure L) or partially restore (measure Y) over the next several years. (SP-10, SP-11)	DEP provided information to EPA for this purpose.
85	Revised	For measure W, work with EPA Region 1 to review and update (if needed), a list of impaired watersheds (at the 12-digit level) that the state will most likely improve by 2012, and include the projected date of the improvement. The list should also include impaired watersheds where significant work is underway that "may" meet the improved definition by 2012 as well as those watersheds where significant work is underway that will probably not improve by 2012. By 9/30/10, report any progress on restoring the measure W watersheds by 2012. (SP-12)	DEP maintains an open dialogue with EPA on this issue and had several meetings to discuss possible approaches but resource limitations have prevented further work on this item.
		<i>NPS 319</i>	
86	Revised	Continue to use the 2004 Nonpoint Source Program and Grants Guidelines for States and Territories to identify eligible activities, program priorities and reporting requirements.	MassDEP continued to use the 2004 Nonpoint Source Program and Grants Guidelines to identify eligible activities, program priorities and reporting requirements. Thi is an ongoing activity.

87	New	A representative of the state's NPS program should attend all NPS and GRTS national and regional meetings convened by EPA if possible. States shall utilize s. 319 funds to cover travel expenses for NPS program staff to attend regional and national GRTS training meetings, national NPS conferences, and regional NPS meetings and conferences.	The GRTS training in Atlanta, GA in November 2010 was not attended by MassDEP staff due to state-wide travel limitations.
88	Revised	Continue to work with other government agencies to influence the targeting of a portion of the Farm Bill Programs (e.g., EQIP) to areas of environmental concern (i.e., impaired waters, fragile waters in need of protection, and a watershed approach).	ongoing
89	Revised	Continue to target 319 funds for priority segments or waterbodies to include measure W/L watersheds. Identify water bodies that were recently partially or fully-delisted due to water quality improvement, and investigate whether local, state or federal NPS mitigation occurred that might make these waterbodies a candidate for a NPS success story. Prepare and submit 1-2 success stories for restored or partially restored water bodies in accordance with EPA national computational guidance if possible. If no waterbodies are identified for success stories, submit a strategy to EPA for increasing NPS program performance in the restoration or partial restoration of impaired waters. (SP-10, SP-11, SP-12, WQ-10)	Selection of FFY 2011 projects included solicitation of work to address LYW priorities. The 2010 Integrated list, currently in draft form, will be examined next to 2008 list in order to identify possible success stories. Staff will participate in December 2010 workshop to learn about EPA's Recovery Potential methodology and apply it to Massachusetts watersheds to enhance selection of priority projects.
90	Revised	Continue to enter all 319 grant dollars and mandatory data elements into the Grants Reporting Tracking System (GRTS) by Feb 15th of each year and provide timely review of national GRTS reports prepared for the state. (WQ-9)	Completed in February 2010. Planned as ongoing activity with submittal to GRTS every February.
91	Revised	Continue to ensure that watershed based plans developed using incremental dollars portion of the 319 funds will contain the 9 (a- i) elements specified in the 2004 guidance. (WQ-10)	ongoing
92	Revised	Continue to submit a 319 related workplan and annual report for all projects and activities. Identify match sources and amounts. Provide information annually relative to the distribution of funding toward implementation projects, staffing, and statewide nonpoint program activities, progress in meeting the annual priorities and commitments and in carrying out the state NPS Management Program, improvements in water quality resulting from program implementation, and the status of implementation projects.	Draft workplan and annual reports are complete, undergoing internal review. Anticipate that final version will be submitted to EPA by the close of the first quarter of FFY 2011
93	Revised	Maintain current levels of funding to implement structural and non-structural BMPs and watershed projects that continue or enhance successful water quality restorations that can be reported to Congress and OMB.	Planned for FFY 2012 solicitation, to be issued April 1, 2011
		<i>NPDES Development</i>	
95	Same	Complete drafts for all permits for which MassDEP agreed to prepare prior. (WQ-12a)	MassDEP is no longer performing this activity due to staff reductions.

96	Revised	Identify NPDES work-sharing activities for FY 2010, including Saugus River and other watershed permits including the Assabet River watershed.	ongoing
97	Same	MassDEP will work with EPA to develop efficiencies for processing NPDES permits including ways to reduce duplication between the agencies, increase production of permits, develop nutrient effluent limits, consolidate state agency reviews, and explore state NPDES delegation.	Coordination efforts continue to improve efficiencies.
98	Same	Participate in bi-monthly coordination and planning calls on the status of joint NPDES permits.	ongoing
99	Same	Coordinate on NPDES Permitting for Power Plants.	ongoing
100	Same	Assist EPA in responding to comments received during public comment periods.	ongoing
101	Same	Assist EPA in defending NPDES permit appeals.	ongoing
102	Revised	Assist in the issuance of "priority" permits during FY 10. These permits include, but are not limited to, Wheelabrator-Saugus, Gloucester, GE-Lynn, MWRA-Clinton, MWRA-DI, Brayton Point, Taunton, Mansfield and Middleborough. EPA and MassDEP will identify any and all critical issues associated with any priority permit prior to its going to public notice so as to avoid any delay in issuance thereafter. (WQ-19a)	ongoing
103	Revised	Assist in the development and issuance of General Permits including drafting any state specific requirements for GPs such as the "Small POTW" GP> Provide coordination and state reviews and approvals of NOIs under all effective GPS as required. (WQ-12a)	ongoing
104	Same	Continue current level of effort on joint administration and enforcement of the Phase II MS4 Permit.	Done
105	Same	Assist in public notice and issuance of new Phase II MS4 general permits. Assist in the review of NOIs and other permit-related documents and in authorizing discharges under new Phase II MS4 GPs.	ongoing
106	Same	Continue current level of support to the regional program by helping with storm water permitting outreach efforts.	ongoing
107	Same	Assist in the joint reissuance of Phase I MS4 permits for Boston and Worcester. (WQ13a & b)	ongoing

108	Revised	Assist in the development of new Phase II Storm Water MS4 GP for issuance if all final GPs are not issued in FY09. Assist in the implementation of the new Construction Storm Water GP and Muti-Sector GP.	ongoing
109	Same	Continue to work with EPA to approve and enforce Long Term CSO Control Plans.	ongoing
110	Same	Continue to work with EPA to reconcile policy issues related to variances/water quality standards determinations/and affordability issues.	ongoing
		<i>TMDL Development</i>	
111	New	Complete any remaining prior year TMDL commitments. (WQ-8b)	See update for item #112 below. Prior year commitments are included.
112	Same	Commit to completion of 110 TMDLs and submit to EPA for approval during FY'10.	41 TMDLs were submitted to EPA for approval during FFY 2010. An additional 63 more were developed in draft form. Of these, the 21 Taunton Bacterial TMDLs will be submitted by the end of December, 2010. The 42 North Coastal Bacteria TMDLS should get submitted by midyear FFY 2011, pending regulatory issues top be resolved.
113	Same	Participate in Region 1/State/NEIWPCC TMDL efforts to improve environmental effectiveness of the TMDL program. (WQ-8b)	DEP participated in all efforts when requested, including participating in workgroups through NEIWPCC and discussions at the national level (national TMDL conference).
114	Revised	EPA recognizes important role of MA in assessment of WQ and implementation of controls intended to meet MA WQS. EPA recognizes prominent role of MA in development of TMDLs & implementation plans for these studies. EPA recognizes consultation/close coord. w/ MA is critical for long-term success of WQ improvements within MA. EPA agrees to closely coord. w/ MA & carefully consider MA strategies & implementation plans prior to initiating residual designation (RD) efforts, or making a decision on any RD petition. EPA will solicit & give strong consideration to DEP's views on whether RD is necessary to ensure reasonable progress toward meeting WQS. TMDL commitment for FY10 is 110, assuming EPA approves 100 watershed pathogen TMDLs from 07/08 (subs allowed). (WQ-8b). EPA & DEP agree that there is a need to evaluate the effectiveness/appropriateness of RDAs as a tool to implement TMDL allocations. Agencies will work together on an evaluation. Agencies agree to coordinate closely in event an RD is considered as part of the implementation plan for any future TMDLs.	EPA and DEP continued to closely coordinate on the applicability of the RDA and its associated impact on TMDL development. This interaction will need to continue into the future to ensure implementation is coordinated between the agencies in a systematic and productive manner.

		<b>Sub-Objective 2.2.2 By 2011 Prevent Water Pollution and Protect Coastal and Ocean Systems to Improve National Coastal Aquatic Ecosystem Health</b>	
		<i>Dredged Material Management</i>	
115	Same	Participate on Regional Dredging Team Technical Workgroup (aka Sudbury Group) to coordinate with other federal and state agencies on planning and regulatory activities associated with dredging and dredged material management.	MassDEP staff participated in these meetings.
116	Revised	Participate Joint Processing to coordinate with other federal and state agencies on planning and regulatory activities associated with dredging and dredged material management (CO-6)	MassDEP staff participated until Joint Processing meetings were discontinued. A new model for coordination with federal agencies has been proposed, but has not been implemented yet by the Army Corps. MassDEP staff will participate in the new forum when meetings are scheduled.
		<i>No Discharge Areas</i>	
117	Revised	Coordinate with MA CZM to implement outreach and enforcement strategies in support of current NDAs (Buzzards Bay, Cape Cod Bay, Boston Harbor, lower North Shore, Salem Sound), and future NDAs (upper North Shore, Mt. Hope Bay, south Cape and Islands). (CO-2)	ongoing
118	Same	Coordinate with MA CZM to identify additional areas on the coast for NDA designation. (CO-2)	ongoing
		<b>Objective 2.3 Science &amp; Research</b>	
		<i>Water Monitoring</i>	
119	Same	Participate as feasible in New England REMAP projects, Biological Condition Gradient (BCG) workgroup, other biological/water quality monitoring activities, and attend relevant regional meetings/conferences (e.g., NEAEB).	MassDEP has participated with the planning of the REMAP projects and periodically assisted in the field with EPA's contractors. We also serve on several NEIWPCC committees related to the biological condition gradient and TALU process. Finally, MA participated in EPA's state biological program evaluation.
120	Revised	Participate in, as feasible, or coordinate with EPA Office of Water's National Aquatic Surveys (NAS) and submit workplan reflecting level of participation.	MassDEP worked with EPA and the Office of Coastal Zone Management and the Massachusetts Bay program develop a workplan and implement the National Coastal Assessment here in MA,.
		<b>GOAL 3: LAND PRESERVATION &amp; RESTORATION</b>	
		<b>Objective 3.1 Preserve Land</b>	

		<b>Sub-Objective 3.1.1 By 2011, Reduce Materials Through Product and Process Design and Increase Materials and Energy Recovery from Waste Otherwise Requiring Disposal</b>	
		<i>Resource Conservation Challenge</i>	
121	Revised	MA will continue to work on the supermarket food waste composting and hotel and convention center recycling projects.	Work continuing. WalMart has signed on to the Certification Program. Organics summit was held in March 2009.
		<b>Sub-Objective 3.1.2 By 2011, Reduce Releases to the Environment by Managing Hazardous Wastes &amp; Petroleum Products Properly</b>	
		<i>RCRA Training &amp; Meetings</i>	
122	New	Attend EPA sponsored regional and national RCRA meetings and training as appropriate.	Staff attended an EPA sponsored meeting on compliance and enforcement procedures during the third quarter.
		<i>RCRA Authorization</i>	
123	Revised	Public Notice of proposed adoption of EPA's University Lab Rule (also includes State DTC regulation).	We are on schedule to have an <u>internal draft</u> of that rule package (Academic Lab, Drum Top Crusher, and Evaporator rules) by June 2011
		<i>RCRA Permit Renewals</i>	
124	Same	Renew TSDf permits at two (2) TSDf's on 09-11 permit renewal baseline. (HW0)	Issued licenses (permits) to Safety-Kleen West Brookfield and Safety-Kleen Salisbury
		<i>UST</i>	
		Not part of the PPG - MA DEP has its own categorical grant for LUST Prevention activities.	

125	Revised	At the onset of its UST compliance assurance program, perform a baseline assessment by conducting inspections at a statistically significant random sample of five categories of UST facilities. In addition, MassDEP will perform assessments at a random sample of facilities where a 3rd party inspected the facilities to determine the current performance levels of these regulatory entities.	MassDEP completed approximately 300 inspections of randomly selected UST facilities. The data is currently being entered into a database where it is undergoing QA/QC analysis. A final report is due January 1, 2011.
126	Revised	Build the capacity of MassDEP inspectors in all MassDEP offices by conducting UST inspections.	To build UST capacity, MassDEP performed approximately 300 full UST inspections statewide. In addition, MassDEP staff, as part of the Compliance Assistance Initiative (CAI), visited approximately 4300 UST facilities to verify current UST facility information and remind Owners/Operators of the pending 8/8/2010 Third Party Inspection deadline
127	Revised	Perform the UST transition and program development activities identified in the MassDEP UST work plans submitted to EPA.	<ul style="list-style-type: none"> <li>• MassDEP held 8 UST stakeholder meetings. Topics included: program development issues, draft regulations, and forms</li> <li>• Implemented UST Registration Form and Third Party Inspection Report management protocols and procedures to promote timely and accurate record keeping of UST facility records <ul style="list-style-type: none"> <li>• Maintained MassDEP UST web site. Providing timely updated compliance assistance and technical support to UST Program stakeholders</li> <li>• Maintained DEP UST Hotline, answering 1200 calls.</li> <li>• Continued development of MassDEP UST Regulations.</li> <li>• Continued development of UST forms necessary to support efficient and effective administration of Program compliance and enforcement</li> </ul> </li> </ul>
128	Revised	Reduce Number of Confirmed UST Releases Annually - Regional target of <400; In FY08, confirmed releases were 270 (<4% of National total). (ACS Code: ST1 / 3.1.2)	See activities above.
129	Revised	Continue development and implementation of operator training to be in place by August 2009. All operators must be trained by 8/08/12.	MassDEP re-assigned a staff-person 85% time to focus on development of MassDEP UST Owner/operator Training Program. To date, options for meeting NEPA Owners/Operator training requirements have been identified and a recommendation, including a development and implementation schedule is due 1/1/2011.

130	Revised	Continue development to produce the USTCA public record which will include: the number, sources, and causes of underground storage tank releases; the record of compliance by USTs; and data on the number of UST equipment failures in State. FIRST ANNUAL REPORT DUE 12/31/2008; SECOND ANNUAL REPORT DUE 12/31/2009.	MassDEP UST Program is working with the Bureau of Waste Site Cleanup to update MassDEP's current online UST public information query tool in accordance with NEPA requirements. The updated query tool is scheduled to be online by 12/31/2010. Implemented UST Registration Form, Third Party Inspection Report, and management protocols and procedures to promote timely and accurate record keeping of UST facility records. After the query tool is updated and online, the annual report will be prepared.
		<b>Objective 3.2 Restore Land</b>	
		<b>Sub-Objective 3.2.1 By 2011, Reduce and Control the Risks Posed by Accidental and Intentional Releases of Harmful Substances Through Emergency Preparedness</b>	
131	Same	EPA will continue to work with the New England states on Homeland Security and emergency response readiness issues through routine, day-to-day coordination and the existing Regional Response Team mechanism.	EPA commitment
		<b>Sub-Objective 3.2.2 By 2011, Control the Risk to Human Health and the Environment at Contaminated Properties or Sites Through Clean-up, Stabilization, or other Action and Make Land Available for Reuse</b>	
		<i>Corrective Action Sites</i>	
132	Same	Achieve Human Exposures Controlled Under Current Conditions at one (1) facility. (CA1)	Not met - Work ongoing
133	Revised	Achieve Contaminated Ground Water Migration Under Control at one (1) facility. (CA2)	Not met - Work Ongoing
134	Same	Achieve site-wide Remedy Selection at three (3) facilities.	2 of 3 met
135	Same	Achieve Construction Complete at three (3) facilities. (CA5)	2 of 3 met
136	Same	Assessment of financial assurance current status for all new remedies.	Completed
137	Same	Verify adequacy of financial assurance instrument for all remedies.	Completed
138	New	Attend the Region 1 Corrective Action Training Conference scheduled for December 2009 in Hartford, CT and other regional and national RCRA meetings as appropriate.	

		<i>LUST</i>	
		Not PPG eligible - funds are in separate LUST Trust Cooperative Agreement.	
139	Revised	Reducing the Clean-up Backlog: The National target for annual clean-ups completed of releases from leaking underground storage tanks (LUSTs) is 13,000. At end of year of FY08, cumulative number of 13,645 LUSTs clean-ups were completed in New England, with a backlog of 3,364. Specific number of LUST cleanups completed for Massachusetts in FY10 will be negotiated in fall 09. (ACS Code: 112 / 3.2.2)	Specific number of LUST cleanups completed for Massachusetts in FY10 was 85. MassDEP will continue to monitor compliance of UST cleanups conducted under our voluntary clean-up program, and conduct enforcement against non-responder and other issues of non-compliance.
		<b>Sub-Objective 3.2.3 Through 2011, Conserve Federal Resources by Ensuring that Potentially Responsible Parties Conduct or Pay for Superfund Cleanups Whenever Possible</b>	
		No specific PPA related action for the State	
		<b>Objective 3.3 Enhance Science &amp; Research</b>	
		<b>GOAL 4: HEALTHY COMMUNITIES &amp; ECOSYSTEMS</b>	
		<b>Objective 4.1 Chemical, Organism &amp; Pesticide Risks</b>	
		<b>Sub-Objective 4.1.1 By 2011, Prevent and Reduce Chemical Risks to Humans, Communities, and Ecosystems</b>	
		No specific PPA related action for the State	
		<b>Sub-Objective 4.1.2 By 2011, Protect Human Health and the Environment From Chemical Releases Through Facility Risk-Reduction Efforts and Building Community Preparedness and Response Capabilities</b>	
		No specific PPA related action for the State	
		<b>Sub-Objective 4.1.3 Through 2011 Protect Human Health by Implementing our Statutes and Taking Regulatory Action to Ensure Pesticides Continue to be Safe and Available When Used in Accordance with the Label</b>	
		No specific PPA related action for the State	
		<b>Sub-Objective 4.1.4 Through 2011 Protect the Environment by Implementing our Statutes and Taking Regulatory Action to Ensure Pesticides Continue to be Safe and Available When Used in Accordance with the Label</b>	
		No specific PPA related action for the State	
		<b>Sub-Objective 4.1.5 Through 2011 Ensure the Public Health and Socio-Economic Benefits of Pesticides Availability and Use Are Achieved</b>	
		No specific PPA related action for the State	
		<b>Objective 4.2 Communities</b>	

		<b>Sub-Objective 4.2.1 By 2011, Reduce the Air, Water and Land Impacts of New Growth and Development Through Use of Smart Growth Strategies in 30 Communities</b>	
		No specific PPA related action for the State	
		<b>Sub-Objective 4.2.2 By 2011, 30 Communities with Potential Environmental Justice Concerns will Achieve Significant Measurable Environmental or Public Health Improvement Through Collaborative Problem Solving Strategies</b>	
		<i>Environmental Justice</i>	
140	Same	MassDEP will continue to implement EJ policies.	EJ policy continues to be implemented.
		<b>Sub-Objective 4.2.3 Working with State, Tribal and Local Partners Promote the Assessment, Cleanup, and Sustainable Reuse of Brownfields Properties</b>	
	Same	No specific PPA related action for the State	
		<b>Sub-Objectives 4.2.4, 4.2.5, and 4.2.6 Pertain to US Mexico Border, Pacific Island Territories and the Artic - No PPA Action for NE States</b>	
		No specific PPA related action for the State	
		<b>Objective 4.3 Ecosystems</b>	
		<b>Sub-Objective 4.3.1 By 2011, Working With Partners, Achieve a Net Increase in Wetlands Acres with Additional Focus on Assessment of Wetland Condition</b>	
		<i>Wetlands</i>	
141	Same	For each year of the PPA, the wetlands program will develop a web-based work plan which identifies and describes how the program will work towards building and refining any element of a comprehensive wetland program specific to HQ and regional guidance on the subject. (WT-2)	Web based work plan was updated at end of FFY10.
142	Same	Update annually a tracking report on gains and losses on wetlands state-wide by December 31st of each year. Report will be based on available gain/loss data while DEP develops an electronic tracking mechanism as part of the eDEP and WIRe applications. Every five years (2010, 2015, etc.) report of trends and patterns for the previous five years. (WT-2)	Data development in progress as of 11/17/10. Gain and loss data update will occur by 12/31/10. Trend and pattern info will be provided.
143	Same	Web-based report on DEP wetland enforcement initiative findings and results. Update a report describing this effort, including the methods, and approximate costs that would be helpful for other states to consider similar projects. (WT-2)	Web based plan was updated at end of FFY10. Review of 2009 aerial photography is underway and planning for future compliance and enforcement actions is also in development.

144	Same	Continue to participate in the NEBAWWG biological monitoring and assessment initiative.	MassDEP staff attended the NEBAWWG meeting in March 2010. The conference was primarily on the development of a regional Floristic Quality Assessment Index (FQAI). Staff presented DEP's Monitoring and Assessment program update.
145	Same	Continue implementing wetlands biological monitoring and assessment plan. (WT-4)	Salt marsh field sampling conducted in summer 2010.
		<b>Sub-Objective 4.3.2 By 2011, Working with Partners Protect or Restore and Additional 250,000 Acres of Habitat Within the Study Areas of the 28 National Estuaries</b>	
		<i>National Estuary Program</i>	
146	Same	EPA to provide administrative, technical, and financial support to the National Estuary Programs in your state. (CO-4)	EPA is providing this support.
147	Same	EPA to disseminate national and regional guidance and award grants and cooperative agreements in a timely fashion. (CO-4)	EPA obligation
148	Same	Participate on Buzzards Bay National Estuary Program Steering Committee and coordinate with MA CZM to support implementation of Buzzards Bay CCMP. (CO-3, CO-4, and 4.3.2)	Done
149	Same	Participate on Massachusetts Bays Estuary Program Management Committee and coordinate with MA CZM to support implementation of Massachusetts Bays CCMP. (CO-3, CO-4, and 4.3.2)	Done
150	New	Participate on Narragansett Bay Estuary Program Management Committee and coordinate with RI DEM to support implementation of Narragansett Bay CCMP. (CO-3, CO-4, and 4.3.2)	Done
		<b>Sub-Objective 4.3.3, 4.3.4, 4.3.5, 4.3.7, 4.3.8, 4.3.9 Pertain to National Estuaries Outside of New England</b>	
		No specific PPA related action for the State	
		<b>Sub-Objective 4.3.6 By 2011, Prevent Water Pollution, Improve Water Quality, Protect Aquatic Systems, and Restore the Habitat of Long Island Sound</b>	
		No specific PPA related action for the State	
		<b>Objective 4.4 Enhance Science &amp; Research</b>	
		No specific PPA related action for the State	
		<b>GOAL 5: COMPLIANCE &amp; ENVIRONMENTAL STEWARDSHIP</b>	
		<b>Objective 5.1 Improve Compliance and Objective 5.2 Improve Performance Through P2 and Innovation</b>	
		<b>Sub-Objective 5.1.1 By 2011 Prevent Noncompliance or Reduce Environmental Risks Through Compliance Assistance</b>	

		<b>Sub-Objective 5.1.2 By 2011 Identify and Correct Noncompliance or Reduce Environmental Risks Through Compliance Incentives</b>	
		<b>Sub-Objective 5.1.3 By 2011 Identify, Correct and Deter Noncompliance Through Monitoring and Enforcement</b>	
151	Revised	Submit annual Compliance Plans containing descriptions of the state's compliance, assistance and innovative programs, including projections for inspections and other priority activities. See "FY2010 Guidance for Compliance and Assistance and Innovative Program Strategies in New England Performance Partnership Agreements".	Done
152	Revised	Submit annual 2010 End of Year report on Compliance, assistance and innovation program accomplishments, activities and results.	Done
153	Same	Enter/send information necessary to satisfy the inspection, testing, compliance monitoring, and enforcement minimum data requirements (MDRs) to EPA's national AFS data system at least once every 60 calendar days (as required by the ICR). (CAA 16, CAA 17)	Ongoing
154	Same	Identify/address/resolve HPVs in accordance with EPA's Timely and Appropriate Enforcement Response to High Priority Violators (the HPV policy), July 1999. Inform the EPA NE liaison in person, by phone, or by email within 45 days of identifying/addressing/resolving an HPV. (CAA 16, CAA 17)	Ongoing
		<b>Objective 5.4 Enhance Science &amp; Research</b>	
		<b>CROSS CUTTING ISSUES</b>	
		<i>Re-Opener Clause</i>	
155	Same	The Regional Office will strive to honor the spirit of the PPA. In keeping with this spirit the Region will work with EPA HQ to limit the impact of unexpected demands on the states. To address new, very high priority issues that might emerge a re-opener clause will be included as part of this process permitting the Regional Office and/or the state to introduce necessary changes to the PPA.	Ongoing
		<i>Performance Partnership</i>	
156	Same	A process for jointly evaluating and reporting progress and accomplishments under the workplan must be developed and described in the workplan. The process must be based on a negotiated schedule. (40CFR35.115)	Done
157	Same	An annual written progress report must be submitted within 90 days after the end of the annual grant period. (40CFR35.115, 40CFR31.40)	Done
		<i>QMP QAPP</i>	

158	Same	Continue to implement the State Quality Management Plan (QMP) and submit an Annual update letter to the EPA-NE Quality Assurance Unit documenting the status of annual quality system assessments and any changes necessary to the QMP.	Done
159	Same	Review the State QMP and summarize changes made to the QMP in the update letter to the EPA-NE Quality Assurance Unit.	Done
160	Same	Update the State Quality Assurance Quality Assurance Project Plan inventory list.	Done -- QAPP list updated again in October 2010 and resubmitted to EPA REGION 1 QA group.
161	New	MassDEP, with assistance from EPA, will work towards submitting a draft generic QAPP for model simulations in the TMDL program by early 2010, as a goal.	Done