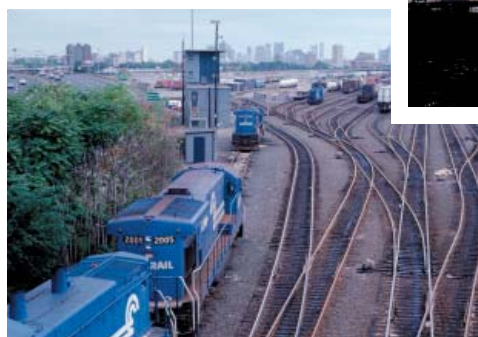


Office of Environmental Stewardship 2004 Year in Review



A Message from the Director

April 2005

Dear Reader:

I am pleased to present this report, “A Year in Review—2004,” to highlight the significant achievements of EPA New England’s Office of Environmental Stewardship. It tells the story of how and why we are tackling the environmental challenges facing us as New Englanders.

I want to thank our dedicated enforcement and compliance assistance staff, who have worked with great passion and creativity to protect our environment. I also thank our counterparts in state environmental programs who have worked closely with us—this job cannot be done without the cooperation of all levels of government.

While we have produced strong results over the past several years, we recognize that we must be continually evaluating and adjusting our program to remain successful in the future. Our priorities and approaches will change as old problems are solved and new challenges develop.

We are always open to suggestions, and we welcome your comments and opinions on this report. Send us an e-mail at: r1webmail@epa.gov or call us at 617-918-1831.

For more information about EPA New England’s compliance and enforcement programs, please visit our website:
www.epa.gov/ne/enforcementandassistance .



Stephen S. Perkins, *Director*
Office of Environmental Stewardship
EPA New England

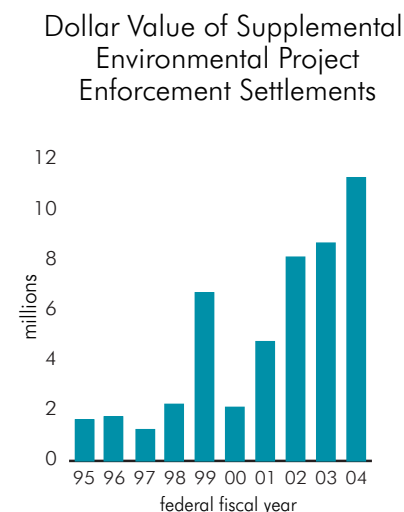
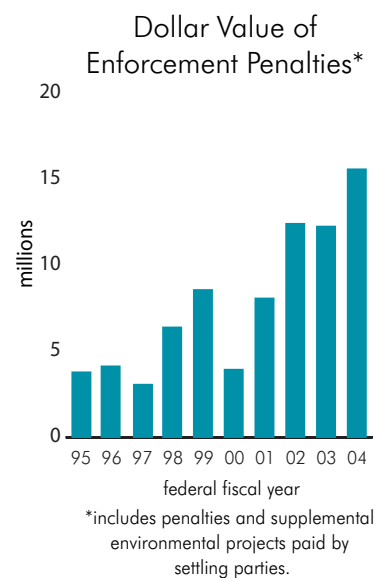
Introduction

The Office of Environmental Stewardship is home to the enforcement, compliance assistance and innovation programs in EPA's New England Office. Our mission is to protect the environment and public health. We work with both the private and public sectors to improve their environmental performance through compliance with environmental requirements, preventing pollution and promoting environmental stewardship.

Some of the highlights of our achievements in New England over the past fiscal year (October, 2003 through September, 2004) include:

- Inspections were up 13% in FY04. This increase in inspections follows a prior 33% increase in FY03. The number of inspections has now reached a six-year high.
- Violators paid \$15.6 million to settle enforcement cases. This figure represents a 27% increase from FY03.
- The value of supplemental environmental projects reached a record-high \$11.3 million. These projects are designed to benefit public health and the environment in communities where violations have occurred.
- More than one hundred facilities disclosed violations in accordance with EPA's self-audit policy. Under this policy, we encourage and provide incentives—in the form of decreased penalties—for self-auditing and voluntarily disclosing and correcting violations.

While maintaining a very strong enforcement program, we also continue to pursue a balanced approach to environmental protection that includes compliance assistance and outreach to regulated facilities. We have organized dozens of assistance workshops and sent thousands of assistance mailings targeted to municipalities, hospitals, marinas, schools, realtors and many others who could benefit from



Source: EPA New England Enforcement Office

help in understanding how to comply with environmental regulations. In addition, our regional assistance web site received over 296,000 page requests in 2004.

However, numbers alone do not tell the entire story of our accomplishments. In this report, we are highlighting our work in three priority areas that contributed to substantial public health and environmental benefits. We discuss how and why we are working to reduce childhood lead poisoning in New England and striving to create an environment that is safe for our children. Because storm water runoff continues to negatively impact the quality of our rivers, lakes, and beaches, we want you to better understand why it is important to comply with federal storm water regulations and how we are providing much needed assistance to the regulated community. Lastly, we want you to know that, through negotiated enforcement settlements, we are producing tangible environmental and public health results for the benefit of the impacted communities.



EPA New England's Office of Environmental Stewardship is working toward a safer environment for our children.

Section I.

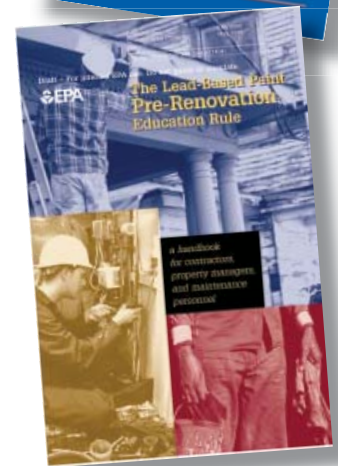
Reducing Childhood Lead Paint Exposure

The problem of childhood lead poisoning is of particular concern to us here in New England. Much of our housing stock is old and pre-dates the elimination of lead from paint used in homes. In addition, due to housing shortages, many low-income families in urban areas often remain in older housing with deteriorating lead paint or otherwise face homelessness. Lead is a toxic metal that causes a variety of adverse health effects ranging from behavioral problems and learning disabilities and in extreme cases, seizures and death. It places children under the age of six at greatest risk because their bodies, especially their nervous systems, are developing rapidly and are very sensitive to lead.

In order to tackle the problem of childhood lead poisoning, EPA New England set a goal to eliminate medically-confirmed blood lead levels greater than 10 micrograms per deciliter among children under age six in New England by 2010. A critical component of the strategy includes increased compliance assistance and enforcement activity to ensure that landlords, property owners and contractors are complying with federal law. The “Disclosure Rule” requires landlords and property owners to notify prospective tenants and buyers of potential lead paint hazards in their buildings.

The Disclosure Rule is an important part of our work in creating an environment that is safe for our children. During the past year, EPA conducted 72 inspections around New England, covering close to 16,200 housing units. Through outreach efforts such as mailings and articles, we were able to reach approximately 25,000 individuals. We also partnered with the Rhode Island Association of Realtors to conduct two compliance assistance workshops, which attracted more than 100 realtors. Furthermore, we settled 10 enforcement cases in fiscal year 2004 against property owners, management firms, and one construction firm that failed to notify tenants about lead hazards. Some of these cases involved properties where children had been poisoned by lead.

In addition to monetary fines totaling more than \$340,800, property owners will be spending close to \$4.2 million to conduct testing and abatement of lead paint hazards in thousands of residential units not just in New England, but across the country. As part of the second largest Disclosure Rule case settlement nationwide, Winn Residential Limited Partnership, a prominent Boston-based real estate company, agreed to test for and remove any hazardous lead paint from its 10,400 apartments nationwide, including 7,000 in Massachusetts. The value of this agreement could reach \$3.7 million.



For these brochures and more information on the Lead Paint Rules and what you can do to reduce the risk of exposure, visit our website at www.epa.gov/ne/enforcementandassistance and click on Lead Paint.

The Lead Disclosure Rule applies to all landlords, including agencies of the federal government. Three Veterans Administration Hospitals in Maine and Massachusetts were subject to enforcement action for allegedly failing to notify VA employees of potential lead paint hazards in their rental housing units. These medical centers provide a total of 41 units of on-site housing for employees and their families.

In one of the first enforcement actions of its kind, a Portland, Maine lead abatement contractor, Abatement Professionals Corporation, agreed to pay \$40,000 to settle claims by EPA that it allegedly failed to comply with various lead management rules at several projects in Portland, Lewiston, and Livermore Falls. Because lead poisoning can cause a lifetime of problems for children, it is important that all contractors follow procedures for lead paint abatement work. In the coming year, we plan to increase the number of inspections at large housing rehabilitation projects throughout the region.

Lead Enforcement Cases Settled in FY04 (October 2003 – September 2004)

Party	Fine Paid	Value of SEP
Winn Residential Limited Partnership Boston, MA	\$105,000	\$3.7 million
Intown West Associates Limited Partnership Intown Management Corporation Hartford, CT	\$45,000	\$195,000
94 Cleaves Street Corporation Biddeford, ME	\$6,750	\$17,797
US Department of Veterans Affairs Medical Centers in Northampton, Bedford, MA and Togus, ME	\$10,068	\$123,050
Ceebraid Signal Management Group Freeport, NY	\$95,000	\$120,000
Nissitissit Group Ltd. Pepperell, MA	\$35,000	none
Abatement Professionals Corp. Portland, ME	\$40,000	none
Jason Dresser South Portland, ME	\$ 4,004	none

Section II.

Storm Water Compliance: Education and Enforcement Reap Results

Storm water continues to be a major cause of water quality impairment nationwide. In New England, approximately one-third of our rivers and lakes are negatively impacted by storm water. As a result, there are times when we are unable to use some of these waters for recreational activities such as swimming and boating. Additionally, 13% of our estuarine and coastal waters are impacted by storm water, which can limit the use of these waters for swimming and shellfishing.

Over the past year, we have continued our efforts to bring municipalities and the construction industry throughout New England into compliance with Phase 2 federal storm water regulations through a combination of compliance assistance and enforcement activities.

Improving Municipal Storm Water Compliance

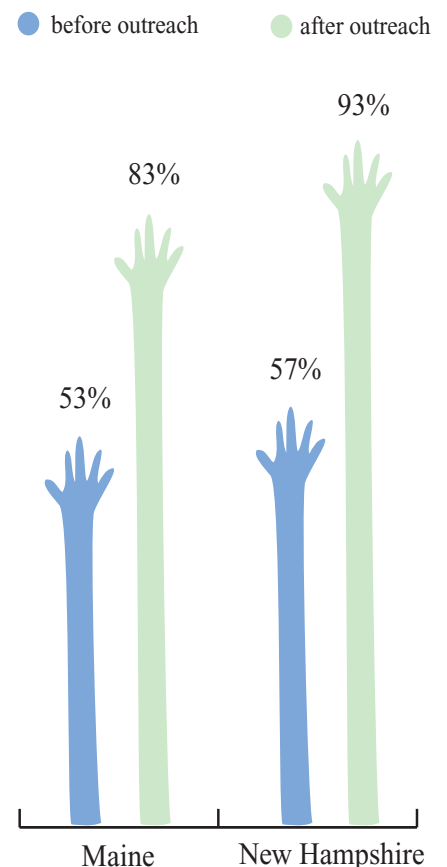
One aspect of the Phase 2 federal storm water regulations requires that certain municipal “industrial” operations (such as wastewater treatment plants which discharge over one million gallons of wastewater per day and recycling facilities) apply for coverage under the NPDES Program, and develop and implement a storm water pollution prevention plan by March 10, 2003. These same regulations also required that small municipal separate storm sewer systems apply for permit coverage by March 10, 2003 and develop a program to control and prevent storm water pollution system-wide by March 10, 2008.

Between October, 2001 and January, 2003, we conducted 32 workshops and provided additional compliance assistance to this sector. Our assistance activities focused on municipalities in Massachusetts, Maine and New Hampshire where EPA is the permitting authority.¹ As a result of our outreach activities, we were able to achieve improved compliance rates at the various municipal industrial facilities in all three states, with Maine and New Hampshire showing the greatest improvement. Providing EPA-developed model storm water plans to municipalities also proved to be a cost-effective means to improve understanding of the regulatory requirements and achieve compliance.

Among the small municipal separate storm sewer systems (or MS4s), approximately 300 communities in Massachusetts and New Hampshire needed to apply for permit coverage from EPA by March, 2003 and develop storm water programs by March, 2008. By the end of 2003, almost 100% of these MS4s in both Massachusetts and New Hampshire had applied for the required permit coverage. Once again, through additional follow-up with the communities by way of phone calls and written communications, we were able to boost compliance rates significantly.

¹ Maine has recently been delegated authority by EPA to administer its own storm water program.

2003 Compliance Rates at Municipal Industrial Facilities Before and After Outreach



Source: EPA New England Assistance and Pollution Prevention office

Our outreach activities to municipal industrial facilities resulted in improved compliance with Phase 2 Stormwater Regulations.

Because storm water pollution is caused by so many different activities, education and outreach are crucial to any successful storm water program.



Building sheds to cover sand/salt mix, roofing refueling operations, and simply keeping dumpster tops closed are ways municipalities can insure that storm water runoff is not harming their drinking water wells or surface water resources.



Poor material storage practices at public works facilities can cause storm water to become contaminated with chemicals, salt, and other pollutants.

Balancing Assistance and Enforcement for Construction Activities

More than two years ago, we initiated a strategy to address storm water runoff from small construction projects, which were also newly regulated under Phase 2 of the federal storm water program. Beginning March 10, 2003, the threshold for construction sites needing NPDES permit coverage dropped from five acres or more to one acre or more.

Our outreach activities once again focused on Massachusetts and New Hampshire (because EPA is the permitting authority in these states). With the reduction in the acreage threshold to one acre, a wide variety of smaller, less organized and less sophisticated companies and public agencies needed to be educated. To do this, we partnered with trade associations, states, regional planning agencies, watershed associations, local public works departments, professional associations, and others who could help us reach our intended audiences.



One aim of EPA NE's outreach to the construction industry on storm water requirements is to make erosion control an integral part of planning and executing site work, rather than an afterthought, as seen in this photo.

By September, 2004, we had reached 1,700 people through workshops and presentations and more than 5,000 readers through various newsletters and magazine articles we wrote. Letters were also sent out to approximately 3,000 local officials in Massachusetts and New Hampshire involved in municipal construction or oversight.

At the same time, we also took high-profile enforcement actions against construction operators at sites being developed for large corporations, such as Wal-Mart and Lowe's, as well as a variety of residential developments. Publicizing these cases helped to garner interest within the industry. As word of EPA's storm water program spread, citizens, local officials and consultants contacted us to lodge complaints about specific sites. Small developers referred by local officials also called to find out more about EPA requirements.

Since 2001, we have conducted over 80 inspections at construction sites throughout New England. Over the past fiscal year, we settled several cases against developers in Massachusetts and New Hampshire for fines totaling approximately \$146,000 (as listed in the chart below) and achieved compliance at these sites.

Storm Water Enforcement Cases Settled in FY04 (October 2003-September 2004)

Party	Fines Paid	Construction Site (acres)
East Street Realty LLC, North Reading, MA	\$ 6,175	16
JW Darrah LLC, Bow, NH	\$ 6,200	10
Orchard Hill Park LLC, Leominster, MA & Borggaard Construction, North Grafton, MA	\$ 3,200	40
K&B Development LLC, Pelham, NH & American Excavating Corp., Derry, NH	\$60,000	43
Methuen Group Realty Trust, Hudson, NH & Ashwood Development Companies, Hudson, NH & Park Construction Corp., Fitzwilliam, NH	\$70,000	75

Section III.

Multi-Million Dollar Settlements Yield Significant Environmental Benefits

With more than \$6 million dedicated to supplemental environmental projects, the Boston area is slated to receive real and lasting improvements to public health and the environment. This past year, we settled two enforcement cases that will achieve significant clean air and clean water benefits for residents of greater Boston, in particular for those living in environmental justice neighborhoods.

Exelon Mystic LLC, owner of the Mystic Station power plant in Everett, agreed to pay a \$1 million penalty and fund more than \$5 million for supplemental environmental projects in the Boston area as part of a settlement agreement stemming from air quality violations over a five-year period. In the second case, the Massachusetts Bay Transit Authority (MBTA) agreed to pay a fine of more than \$328,000 and undertake supplemental environmental projects valued at \$1 million for numerous air and water violations. These violations included excessive idling of dozens of diesel buses in 2002, unpermitted storm water discharges for



The Mystic Station powerplant is located just over the Boston city line. EPA's complaint alleged over 6,000 violations of the Clean Air Act's opacity limits from June 1998 to November 2003. Opacity is a measure of smoke thickness, and is regulated to prevent visible air pollutants, such as soot and other particulate matter, from polluting the air we breathe.

many years into the Mystic River and other Boston-area rivers, and failure to develop oil spill control plans at multiple Boston-area facilities.

The supplemental environmental projects from these two settlements are aimed specifically at reducing pollutants which are known triggers of asthma. Asthma is the leading cause of childhood emergency hospitalization in Boston, a city with one of the highest asthma rates in the country. Asthma is particularly prevalent among residents of environmental justice communities and among sensitive populations, such as children and the elderly. In Dorchester and Roxbury, two environmental justice communities in Boston, the rate of childhood emergency hospitalizations due to asthma is 178% higher than the state average.

Environmental Benefits of the Exelon/Mystic Settlement



A diesel particulate matter filter collects in the exhaust stream and breaks the particles into less harmful components. These filters can be fitted on new and used buses.

The Mystic Station power plant case included one of the largest school bus pollution control projects in the county. The project provides \$3.25 million to retrofit 500 Boston school buses with pollution control equipment and supply them with ultra-low polluting diesel fuel. It will benefit more than 28,000 school children who ride the bus every day, as well as the neighborhoods through which the buses travel. Tailpipe emissions from the buses will be reduced by more than 90 percent, which equates to a reduction of more than 30 tons a year. This project builds upon a similar bus retrofit project in an EPA settlement three years ago which retrofitted 100 Boston school buses with pollution control equipment. Together, these projects will result in Boston being the first major city in the country to have retrofitted its entire school bus fleet.

Exelon also agreed to provide \$1.25 million for pollution control improvements to the commuter trains operating out of Boston's North Station rail terminal. The trains will be equipped with oxidation catalysts (to reduce particulate matter) and supplied with low-sulfur fuel for three years. The result will be cleaner air for the 47,000 passengers that commute by train each day as well as for the residents of the many communities through which the trains pass.

As a way to further reduce air pollutants from automobile exhaust, \$250,000 will be used to build a commuter bike path over the Amelia Earhart Dam on the Mystic River linking Everett and Somerville. In addition, \$250,000 will fund restoration of one acre of urban salt marsh along Mill Creek in Chelsea and approximately \$119,000 will be used to fund an environmental assessment and feasibility study to identify possible restoration projects along the Malden River.

Environmental Benefits of the MBTA Settlement

Building on the air quality improvements in the Mystic settlement, the MBTA will dedicate \$1 million to operate its commuter trains from Boston's South Station train terminal on low sulfur diesel fuel for the next three years. The combined effect of the North and South Station projects will remove approximately 687 tons of sulfur dioxide and 76 tons of particulate matter from the air around Boston over the next three years.

In addition, the MBTA will donate an easement on a one-acre strip of land so the existing Mystic River bike path can be extended. The easement provides a critical link in the Boston bike path network.

Conclusion

The preceding stories provide an in-depth look at just three examples of the work we have undertaken over the past year to protect our environment and the public's health. We want you to know that our work also involved numerous enforcement actions and compliance assistance projects throughout the entire New England area with a number of industry sectors. For example, we are working with colleges and universities, K-12 schools, hospitals, marinas, municipal departments of public works, federal facilities, to name a few. Last year, we also continued to work closely with local and state emergency personnel to train them on the latest chemical safety and site security measures. We invite you to explore the full range of our activities by visiting our website at www.epa.gov/ne/enforcementandassistance.



Bike paths offer numerous recreational opportunities, especially in urban neighborhoods.

