

MassDEP Commissioner's Strategic Priorities for 2008



MassDEP's mission is to protect and enhance the Commonwealth's natural resources – air, water, and land – and to provide for the health and safety of its citizens. As an agency, we have a long history and well-deserved reputation for being innovative leaders in environmental protection.

Today we face new challenges, including very real threats from greenhouse gases and climate change, growing stress on our precious water resources, demand for innovative and safe beneficial use of our waste, redevelopment of Brownfields sites, the handling of hazardous substances and the increased need to respond to environmental disasters, and emerging concerns about unregulated substances like pharmaceuticals and nanotechnology.

To meet these new challenges and maintain the substantial gains we have achieved for the environment, we need to be creative problem-solvers and we need results.

MassDEP is committed to excelling in these efforts. We will achieve this goal by focusing on “six ‘E’s” in all of our activities:

Environmental Quality and Protecting Public Health:

Our core mission at all times is to protect and preserve the environment, the natural resources, and the people who live, work and play in the Commonwealth. However, we must strive to achieve this in new and smarter ways. Specific innovative initiatives for the year will include:

- Bolstering water quality and quantity by promoting best practices for better conservation, management and protection, together with improved working relationships with water suppliers and watershed stakeholders, and new strategies for Total Maximum Daily Loads and stormwater;
- Enhancing recycling and solid waste management, including: use of technology innovations and opportunities to revive/expand municipal recycling assistance programs;
- Creating new opportunities for public-private partnerships in Brownfields cleanups, including expanded municipal outreach and a state “triage team” to fast-track cleanup and development;
- Progress on toxics and emerging contaminants, including: implementation of the New Toxics Use Reduction Act, implementation of the new Mercury Products law, and

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- expanded and collaborative efforts to manage emerging contaminants (pharmaceuticals, endocrine disruptors, nanoparticles, etc.); and
- Expanding our emergency response capabilities and continuing the Safe Neighborhood Chemical Initiative (SNCI).

Energy Impacts are Environmental Impacts:

Energy choices have environmental impacts, and environmental choices have energy impacts. We need to add energy to the factors we consider in reaching sound, protective and balanced decisions in order to reduce greenhouse gas emissions, reduce costs, build greener, more efficient schools and buildings, and improve the quality of our air and environment. Initiatives for the year will include:

- Implementing the Regional Greenhouse Gas Initiative (RGGI);
- Evaluating all MassDEP programs to assess their carbon impacts and potential for greenhouse gas reductions and better energy efficiency, without compromising environmental goals and standards;
- Instituting a new way to achieve greenhouse gas reductions, consistent with goals advocated by the New England Governors and Eastern Canadian Province Ministers;
- Supporting the Lead by Example program to ensure that the state does everything it can to lead by example to reduce its carbon footprint; and
- Assisting cities and towns. A Municipal Climate Change and Energy Efficiency Assistance Program will be a key initiative for MassDEP and its partners, EOEEA and DOER. An Energy Management Pilot for Wastewater and Drinking Water Plants is already underway. This pilot will help 14 municipalities make their water treatment plants more energy-efficient, saving money for the municipalities and reducing emissions of greenhouse gases and other pollutants.

Encourage Technological Innovation:

We need to encourage technology innovation in all our programs. Thirty years of environmental protection experience tells us that, given a chance, the private sector can find new, creative solutions to the most difficult environmental problem. Actions this year will include review of our new and existing regulations to ensure we are not creating barriers to technological innovation, and creating incentives wherever possible.

Efficiency:

Governor Patrick's mandate for state government to operate "at the speed of business" is positive and doable. We need to build on our terrific track record of streamlining and improved customer service. Priority initiatives include:

- Implementing reforms to 4 priority permitting areas (groundwater discharge permits, air permits, Chapter 91, and wetlands appeals);
- Implementing the 20% across-the-board reduction in agency permit-review timelines;
- Implementing the 180-day maximum DEP review timeline;
- Enhancing online permit assistance tools; and
- Securing resources to transform our information management and online services capabilities.

Enforcement:

The credibility of any environmental program depends on strong and consistent enforcement. Enforcement creates a level playing field by holding violators accountable and rewarding voluntary compliance. We need to continue to implement a strong enforcement program while doing more to raise the bar of what constitutes “best business practices.”

Education, Outreach & Technical Assistance:

MassDEP has long provided critically needed technical assistance to municipalities, businesses, and citizens. We must build on this foundation and provide improved education, assistance, and incentive-based funding to address today’s challenges of climate change, water resource management, energy efficiency, and emerging contaminants. We must also build on the capacity of our own staff. Initiatives will include:

- Expanding agency outreach capabilities, such as in the public affairs office, as well as expanded internet capabilities, and technical assistance programs and forums on cutting-edge issues that affect our environment and economy; and
- Staff capacity building, including best workplace practices, improved staff diversity, recruitment and retention, expanded staff training for continuing education, career opportunities and mentoring, and fostering good ideas from all parts of the organization.

I look forward to working with the talented, professional men and women at MassDEP to achieve these goals in 2008. Together, we will succeed.

Energy Management Pilot for Municipal Wastewater and Drinking Water Facilities

Fourteen Plants Statewide to Reduce Energy, Cut Greenhouse Gas Emissions, Save Communities Money

The Patrick Administration has announced the first phase of an innovative pilot program, targeting 14 wastewater and drinking water treatment plants across the state, which will reduce the amount of energy that municipal facilities currently use to treat wastewater and drinking water, reduce greenhouse gas emissions, and save communities money.

The “Energy Management Pilot for Wastewater and Drinking Water Plants” brings together state and federal agencies and electric and gas utilities to conduct facility energy audits, assess each plant for its renewable and clean energy possibilities, and offer support for the implementation of these energy-related projects.

MassDEP is taking the lead on the pilot program, and is being joined by the following project partners: Massachusetts Division of Energy Resources (DOER); U.S. Environmental Protection Agency Region I; NSTAR; National Grid/KeySpan; Bay State Gas; Cape Light Compact; Western Massachusetts Electric; Unitil; Berkshire Gas; the Massachusetts Technology Collaborative; the University of Massachusetts-Amherst’s Center for Energy Efficiency and Renewable Energy; and the Consortium for Energy Efficiency.

The pilot program was announced in December at the Long Pond Water Treatment Facility in Falmouth, which is a model plant that is effectively integrating energy efficiency and renewable sources into their drinking water and wastewater operations.

“Drinking water and wastewater treatment are vital services for protecting public health, but they consume large amounts of energy and drain municipal budgets,” Energy and Environmental Affairs Secretary Ian Bowles said at the Falmouth announcement. “This pilot project will help a first round of municipalities reduce their energy use and save money for their customers – and lead the way for others to do the same.”

“MassDEP regulates water treatment to ensure environmental quality, but we also want to help treatment facilities reach the highest standards of water quality at the lowest cost, and with the lowest emissions of carbon dioxide and other pollutants that come from power generation,” said MassDEP Commissioner Laurie Burt at the Falmouth event. “Working with our partners, MassDEP can help communities save money and make their water treatment operations greener at the same time.”

Also speaking at the Falmouth announcement were Falmouth Director of Public Works Raymond Jack, Falmouth Board of Selectmen Chairman Kevin Murphy, Cape Light Compact Governing Board Chairman Robert Mahoney, and state Representatives Eric Turkington and Matthew Patrick.

Communities Spend Millions on Electrical Costs for Water Treatment

Massachusetts’ cities and towns spend approximately \$150 million per year in electrical costs to treat 662 billion gallons of wastewater and drinking water. In Massachusetts, about 35-40 percent of a treatment plant’s operating budget involves the purchase of energy to treat drinking water or wastewater.

If the targeted energy reductions of this pilot are achieved and expanded throughout the entire municipal wastewater and water utility sector, the result would be a total annual reduction of approximately 200,000 tons of carbon dioxide (CO₂), 760,000 pounds of sulfur dioxide (SO₂), and 250,000 pounds of nitrogen oxide (NO_x).

The pilot program will involve drinking water facilities in Ashland, Easton, Falmouth, Lee, New Bedford, Townsend and Worcester. The program will also involve the following wastewater plants: the Barnstable Wastewater Treatment Facility; the Charles River Pollution Control District (Bellingham, Dover, Franklin, Medway, Millis, Norfolk, Sherborn and Wrentham); the Falmouth Wastewater Treatment Facility; the Greater Lawrence Sewer District (Andover, Lawrence, Methuen, North Andover, and Salem, NH); the Lowell Regional Wastewater Utility (Chelmsford, Dracut, Lowell, Tewksbury and Tyngsboro); the Pittsfield Wastewater Treatment Facility; and the Upper Blackstone Wastewater Pollution Control District (Auburn, Holden, Millbury, Rutland, West Boylston and Worcester).

For this pilot program, electric and gas utilities will provide facility energy audits that will help to quantify energy uses and costs for each facility and identify potential reductions or savings through conservation. The audits will cover electric, natural gas, and fuel oil usage.

As part of the program, each facility will receive an EPA “Energy Star Benchmarking” energy performance score. This will provide an initial screening of the plants, as well as an ongoing tracking measure to compare their energy performance against similar plants nationwide.

UMass-Amherst’s Northeast Combined Heat and Power (CHP) program will conduct a detailed feasibility analysis on up to two wastewater plants looking for CHP and energy savings opportunities, and will screen another five municipal wastewater facilities.

The Massachusetts Technology Collaborative’s (MTC) Renewable Energy Trust will provide renewable energy technical assessments in order to identify any concerns in pursuing wind power, bio-energy, solar, microturbines or other sources of renewable energy at the pilot program sites.

The cost of implementing the first phase of this pilot program is estimated at \$326,000, with the funding coming from the utilities’ energy efficiency incentive programs and the DOER Energy Audit program. The pilot will also bring together sources of funds to support implementation of conservation and renewable energy projects at these facilities, including MTC Renewable Energy Trust grants, State Revolving Fund low-interest loans, and DOER’s Energy Conservation Improvement and Alternative Energy funds.

For more information on this pilot program, go to: www.mass.gov/dep/public/press/1207ener.htm

\$22 Million Expansion, LEED Renovation Begins at Wall Experiment Station

State, City Officials Break Ground on State-of-the-Art, ‘Green’ Building Project in Lawrence

Over the next two years, MassDEP’s Senator William X. Wall Experiment Station will evolve from a small, 53-year-old laboratory facility into an expanded, renovated “green building,” which will contain state-of-the-art analytical equipment and feature Leadership in Energy and Environmental Design (LEED) amenities.

MassDEP Commissioner Laurie Burt and Energy and Environmental Affairs Secretary Ian Bowles announced the lab’s \$22 million expansion and renovation project during groundbreaking ceremonies at the Lawrence facility in November. They were joined by U.S. EPA New England Administrator Robert Varney, state Division of Capital Asset Management (DCAM) Commissioner David Perini, Massachusetts Water Pollution Abatement Trust Executive Director Scott Jordan, Lawrence Mayor Michael Sullivan, and state Representatives Barry Finegold, David Torrasi and William Lantigua.

LEED Upgrades Help Lab ‘Go Green’

The LEED upgrades will include the use of photo-voltaic cells as a solar energy source, a super-efficient HVAC system to save up to 40 percent on heating and cooling costs, rain gardens for better management of stormwater, rainwater recycling for non-potable uses and irrigation, large windows that will allow the sun to provide light and heat, installation of a “green roof” on a portion of the building, and a set-aside for plug-in hybrid vehicle parking spaces.

“The Wall Experiment Station has a long history of excellence and innovation as an environmental laboratory, and in its new incarnation it will be a model building,” Secretary Bowles said at the

ceremony. “I applaud MassDEP for taking up Governor Patrick’s call to lead by example with this state-of-the-art facility, which will demonstrate what can be done with energy efficiency, renewable energy, and water management.”

The Wall Experiment Station is Massachusetts’ principal drinking water laboratory, and the facility annually performs 10,000 lab analyses of contaminants in water, wastewater, air, soil, hazardous wastes, fish, and other samples. The facility also certifies more than 150 commercial and municipal labs for compliance analysis of both potable and non-potable water.

“Protection of public health and the environment has been the top priority of the Wall Experiment Station over its long and storied history,” Commissioner Burt said during the ceremony. “This project will not only continue the long legacy of important environmental work, but will make this lab state-of-the-art. It will stand as a working symbol of the importance of environmental protection in the Commonwealth.”

Expansion to Add 13,000 Square Feet of Lab Space

The project will expand the historic 22,000-square-foot facility, located at 37 Shattuck Street, by an additional 13,000 square feet. MassDEP, DCAM, and the architectural design team of Perkins+Will planned the project. O’Connor Constructors is the project’s construction manager.

The first phase of the project involves a \$16 million facility expansion, utilizing funds approved by the Massachusetts Legislature. Funding is also being provided by the U.S. Environmental Protection Agency through the State Drinking Water Revolving Fund. The second phase – to be funded through the Environmental Bond Bill – will involve a \$6 million renovation of the existing lab.

In 1993, following his sudden death, the laboratory was named in honor of former Senator William X. Wall, who represented Lawrence in the Legislature for 40 years. He had filed the bill that resulted in the current Station being built and occupied in 1954. Sen. Wall’s three daughters – Mary, Barbara and Margaret – attended the groundbreaking ceremony.

The Lawrence Experiment Station was founded in 1887 as one of the first laboratories in the world dedicated to environmental research. In the 1890s, typhoid fever epidemics plagued the cities of Lawrence and Lowell, which used the Merrimack River as their water supply. Lab officials found the cause of the epidemics to be sewage-polluted river water. In 1893, Lawrence began filtration of river water using slow sand filters designed at the Lawrence lab. Thus, Lawrence became the first city in the country to filter its water as a disease-prevention measure, rather than to just improve aesthetic quality.

Over the years, thousands of U.S. and foreign sanitary scientists and engineers have visited the Lawrence Experiment Station to receive training on the latest techniques pioneered in Lawrence. They have taken that knowledge and spread it around the world, helping many thousands live healthier lives.

The work conducted in Lawrence laid the foundation for modern methods of wastewater treatment and drinking water purification used throughout the world. In recognition of its important place in the history of sanitary science and engineering, the American Society of Civil Engineers designated the Lawrence Experiment Station as a “National Historic Civil Engineering Landmark” in 1975.

For more information on the Wall Experiment Station project, visit MassDEP's web site at: www.mass.gov/dep/about/organization/wespost.htm#future

MassDEP Moves Aggressively to Implement Permit Streamlining

Progress Marked for Wetland Appeals Reform, Chapter 91, Groundwater Discharges, and Air Quality Permits

MassDEP has made significant progress in meeting Governor Deval Patrick's goals to improve the efficiency and effectiveness of environmental regulation in Massachusetts without compromising environmental protection. On March 1, 2007, the Governor announced the new initiatives to speed the regulatory decisions that are critical for development projects, and also allow MassDEP to concentrate its resources on the most pressing environmental concerns.

The specific actions that the Governor announced included:

- Proposed regulations to reduce MassDEP's permitting timelines by 20 percent.
- Issuing 90 percent of all permit decisions in 180 days or less.
- Development of a proposal to reduce delays in the wetlands appeals process.
- In-depth analysis and reform of key permit categories, selected because of their significance to economic development opportunities and history of customer concerns about decision processes or delays, and because more than 20 percent of the permit decisions exceed the 180-day goal. The targeted categories include Wetland Appeals Reform, Chapter 91 Licensing Process, Groundwater Discharge of Wastewater, and Air Quality Permits.

Since the Governor's announcement, MassDEP has been developing proposals to address each targeted area. MassDEP worked in close partnership with key stakeholders, convening workgroups for each targeted effort. Those groups consisted of representatives of the regulated community and environmental organizations.

Permitting Timelines

Permitting timeline regulations implementing the 20 percent reduction became effective in July 2007. MassDEP has committed to issuing 90 percent of all permit decisions within 180 days, and for any permits taking longer than 180 days a senior management team will review the status to determine if there are any appropriate measures to speed up the process.

The initial permitting data is very encouraging. Of the initial 302 permit determinations made between July 30 and September 30, 2007, 299, or 99 percent, were made within the new permit timelines. MassDEP continues to collect and review permit timeline data as the program moves ahead.

Wetland Appeals Reform

Final Wetland Appeals regulations became effective October 31. The regulations keep those parts of the appeal process that work well – prior participation, prescreening, and pre-filed testimony. The regulations also institute several reforms:

- A six-month presumptive timeline for reaching a final decision.
- Allowing seven months for major or complex matters involving resource areas.
- Requiring parties to present their case early in the process, eliminating unnecessary delays. As a result of public comments on the draft regulation changes, MassDEP has retained the appeal rights of 10-resident groups.

Chapter 91 Licensing

Regulation changes have been proposed which would expedite the permit review process for those economic development projects that are located in filled or flowed tidelands.

The revisions include clarifying amendments that are consistent with the Patrick Administration's support for renewable energy. A definition of renewable energy is added, and wave, current and tidal energy facilities have been added to the list of water-dependent uses. It clarifies that underwater cables or conduits delivering electricity or telecommunications from outside jurisdictions are, in fact, water-dependent, eliminating the need for a variance to bring renewable energy ashore from outside Massachusetts' waters. The amendments also make utility-scale wind turbines presumptively water-dependent, if they cannot reasonably be located away from tidal or inland waters.

The changes will also streamline the licensing process by limiting unnecessary interagency review and appeals, and guidance will be developed outlining minimum application requirements for permit applications to address problems and delays stemming from incomplete applications.

Finally, a Senior Waterways Reviewer would be assigned to coordinate all aspects of the MEPA process, as a more active MassDEP role in the MEPA review process for large projects can help accelerate the review.

The public comment period on the changes is open until 5 p.m. on January 17, 2008. Written comments should be submitted to: Mass. Department of Environmental Protection, Waterways Regulation Program, 1 Winter St., 5th Floor, Boston, MA 02108, Attention: Ben Lynch. Promulgation of the Chapter 91 revisions is expected in April 2008.

Groundwater Discharge of Wastewater

MassDEP is developing new regulations to comprehensively revise the groundwater permit program, resulting in substantially shorter timelines, upfront MassDEP involvement resulting in timely staff review of technical materials and fewer delays, and clearer guidance on complex issues. The proposals include:

- The option of a general permit for certain classes of discharges, such as small wastewater treatment plants in non-environmentally sensitive areas.
- Review of the hydrogeologic study in advance of the permit application to let applicants know what their approved capacity is for the site prior to start of project design.
- Standardization of financial assurance documents that will substantially reduce review time.
- Expansion of the number of activities not requiring a permit because they do not represent the discharge of pollutants to the groundwater.

Public hearings and a comment period are expected to be held in February 2008, with promulgation of the revised regulations expected by April or May 2008.

Air Quality Permits

MassDEP is developing a plan for a more transparent, predictable and efficient air quality permitting process. Among the features being reviewed are:

- Streamlined permitting pathways with applications tailored to a project's complexity and emissions – instead of “one-size-fits-all.”
- Creation of an online Best Available Control Technology Registry that will clarify the type of pollution control required, making it much easier for applicants to understand the options and requirements for complying with air quality permitting regulations.
- Establishment of an “Air Forum,” to expand the dialogue between MassDEP and the regulated community to foster better understanding and response to the needs of the business and consulting community.

Public hearings and a comment period are expected to be held in February 2008, with promulgation of the revised regulations expected by May 2008.

Northeast States' Governors Call on U.S. EPA to Do More To Reduce Mercury Pollution

States File Cleanup Plan to Eliminate Fish Consumption Advisories and Protect Children's Health

Governor Deval Patrick and Energy and Environmental Affairs Secretary Ian Bowles joined officials from the New England states and New York to call upon the U.S. Environmental Protection Agency (EPA) to do more to control mercury pollution that blows into the Northeast from coal-fired power plants in the Midwest and elsewhere in the nation. High mercury levels in fish have been detected throughout the Northeast region, necessitating public health warnings not to consume freshwater fish caught in local waters.

For the first time, states are linking violation of Clean Water Act standards to EPA's authority under the Clean Air Act to do more to control mercury emissions. The states have jointly submitted to EPA a cleanup plan, called the “Northeast Regional Mercury Total Maximum Daily Load” (TMDL), which continues to implement the states' Mercury Action Plans. These plans are among the most aggressive mercury pollution reduction efforts in the world and target a 75 percent reduction in mercury emissions by 2010 and virtual elimination of mercury pollution in the region thereafter.

“Mercury pollution is a problem in Massachusetts and our neighboring states,” said Gov. Patrick. “Even low levels can have serious health consequences for our children. We are doing our part to address the problem, but we can't do it alone. EPA needs to step up, cut mercury pollution coming our way from the Midwest, and help protect our waters and our citizens.”

Last month, EPA announced its approval of the states' mercury TMDL, supporting the states' efforts to reduce mercury emissions and approving the plan's call for a 98 percent reduction from 1998 levels of mercury from atmospheric sources in order to make mercury levels in fish low enough for the states to lift fish consumption advisories.

However, EPA did not commit to further curbs on airborne mercury pollution from Midwestern coal-burning power plants and other pollution sources. The Commonwealth and its Northeast partners have subsequently called on EPA to take up a leadership role to require commensurate standards for upwind sources that are impacting the environment and public health in the Northeast. The states plan to pursue the issue with EPA.

15,000 Newborns Exposed to Unsafe Mercury Levels

Mercury bio-accumulates in fish and is very toxic to the developing brain. Throughout the Northeast, elevated levels of mercury in freshwater fish have resulted in statewide fish consumption advisories covering more than 10,000 lakes, ponds and reservoirs and over 46,000 miles of rivers. Across New England, more than 15,000 newborns are being exposed to unsafe levels of mercury each year, primarily due to their mothers' consumption of contaminated fish.

The New England Governors and the Governor of New York are leading the country in controlling mercury pollution.

State mercury reduction programs and regulations far exceed federal requirements and have met with great success: Northeast states have reduced mercury emissions from sources in the region by greater than 55 percent overall, with many states exceeding 70 percent reduction since 1998.

New England states are now eliminating unnecessary uses of mercury through mercury products legislation, implementing strict regulations on power plant emissions, and taking actions to reduce mercury wastewater discharges from dental offices and other facilities. These actions will advance the goal of virtually eliminating mercury pollution sources in the Northeast region.

Despite these efforts, mercury levels in fish are still too high. Since greater than 70 percent of the mercury impacting New England is currently imported from upwind air pollution sources, the states will not be able to solve this problem without better federal regulations.

“In order for our lakes and ponds to be restored completely, mercury pollution in New England – which comes mostly from out-of-region sources – must be reduced by 86 to 98 percent,” said Secretary Bowles. “The EPA needs to make sure that the mercury reduction efforts in the Northeast region are matched in states across the country.”

States' Plan More Stringent Than EPA Effort

The EPA Clean Air Mercury Rule (CAMR) will only control mercury pollution from coal-fired power plants by about 70 percent and not until after 2020. The rule also allows for pollution trading, which can contribute to mercury “hotspots.” In contrast, Northeast states are requiring that 90-95 percent mercury control be achieved by 2012, without trading.

The submittal of the Northeast Regional Mercury TMDL to EPA occurred on the 35th anniversary of the Clean Water Act, signaling the need for greater recognition and comprehensive strategies to control pollution that impacts both air and water. The TMDL also demonstrates the need for stricter national controls on trans-boundary air pollution to protect air and water quality of downwind states.

“Our waters will never be clean unless we acknowledge that, in the 21st century, solutions can only be found across state and regional borders,” said MassDEP Commissioner Laurie Burt. “To control mercury in Massachusetts waters, we need strict national standards on emissions in the Midwest.”

A mercury TMDL is a calculation of the maximum amount of mercury that a water body can receive and still have fish that are safe to eat. Under the Clean Water Act, EPA can either approve the states’ plan or disapprove it and set its own limits.

Oil Spill Response Training To Continue for Cape and Islands First Responders

US Appeals Court reinstates critical Oil Spill Act protective requirements

Important developments and key activities continue to mark MassDEP progress under the Massachusetts Oil Spill Prevention and Response Act, as the agency works with local communities to protect the Commonwealth’s precious coastal resources. Some of those activities include:

- ❑ Training of local first responders (fire department and harbormaster personnel), which has been ongoing on Cape Cod. The next first-responder oil spill training exercise is set for spring 2008 at the Sea Crest Resort in North Falmouth and in the nearby Wild Harbor area. This exercise will focus on bringing local municipal responders together to coordinate deployment of oil spill response equipment provided by MassDEP and to test oil spill protection strategies found in the Buzzards Bay Geographic Response Plan.
- ❑ A project to create Geographic Response Plans (or GRPs) for 30-40 priority resource areas on Cape Cod and the Islands. GRPs are map-based specific protection strategies that provide guidance to first responders on where and how to place booms to protect sensitive coastal areas from an oil spill. The final GRPs for the Cape and Islands should be completed during the winter of 2007-08.
- ❑ A total of 21 trailers with spill response equipment were distributed in 2007 to communities along Cape Cod, Martha’s Vineyard and Nantucket (this is in addition to the 14 trailers that had already been disbursed to South Coast communities in and around Buzzards Bay in 2005). MassDEP’s SERO and NERO regional offices also were the recipients of oil spill response trailers.
- ❑ On August 20, 2007, the United State Court of Appeals (First Circuit) reinstated three critical requirements of the Mass. Oil Spill Act: tug escorts; on-board crew/staffing requirements; and mandatory insurance policies for oil tank barges. On that day, the court lifted a previous injunction against the Oil Spill Act and remanded the case back to District Court, effectively reinstating three provisions of the Act.

A key funding provision in the Oil Spill Act, which took effect in the fall of 2004, established a Trust Fund that has been accumulating a two-cents-per-barrel fee paid by all vessels delivering oil to a marine oil terminal in Massachusetts. Currently, the fund has accumulated approximately \$4.4 million.

In addressing the immediate need, the Act directs MassDEP to identify and deploy critical oil spill response equipment and training for various coastal communities. Yet there is also a consensus among those involved that the best way to protect coastal resources is by *preventing* future oil spills.

An Oil Spill Advisory Committee (comprising MassDEP, other state and federal agencies, and representatives of the oil and maritime industries) has been created to assist MassDEP in formulating spending priorities with both of these goals in mind: enhancing local and state response to marine oil spills and identifying pro-active ways to prevent these spills.

An interim Implementation Plan identifying the Massachusetts Oil Spill Prevention and Response program's spending priorities has been prepared and is now posted at:
www.mass.gov/dep/cleanup/oilsprep.htm.

An important oil spill prevention priority is to provide assistance to the U.S. Coast Guard (USCG) in implementing its recently announced Vessel Movement Reporting System (VMRS) for Buzzards Bay. Operated by the U.S. Army Corps of Engineers (ACOE), the system will track larger vessel movements in Buzzards Bay by receiving radio transponder signals (Automatic Information System) and plotting them on a GIS map of Buzzards Bay.

The VMRS system is located at the Army Corps canal headquarters in Bourne. As devised, the system will provide an early warning to the VMRS monitor if a tracked vessel travels outside a recommended vessel route in Buzzards Bay.

MassDEP News Briefs

Inspections Find Chemical Facilities Pose Little Risk To Nearby Residences: MassDEP and the Department of Fire Services (DFS) recently announced the completion of 41 on-site inspections as part of the Safe Neighborhood Chemical Initiative (SNCI), and preliminary results show that facilities, in general, pose little risk to surrounding neighborhoods. The pilot program was primarily a technical assistance effort that resulted in numerous recommendations to the inspected facilities to ensure their safe operation. However, the inspection team did find two facilities that posed imminent hazard conditions, and those facilities were ordered to take immediate action to address the hazards. Preliminary recommendations from the SNCI inspections will include the formation of a task force lead by the Secretaries of Energy and Environmental Affairs and Public Safety and Security to address potential gaps in regulatory authority and oversight, public safety protocols and procedures, training, and communications. A second SNCI phase is recommended in order to inspect drinking water and wastewater treatment facilities that use toxic gases, such as anhydrous ammonia and chlorine. For more information, go to: www.mass.gov/dep/public/press/1107snci.htm

Danversport Explosion Team Earns Carballo Award: MassDEP was honored this fall to have seven Outstanding Performance Award recipients, including a 2007 Carballo Award recipient, presented with citations for their good work. During a statewide ceremony, Governor Deval Patrick presented the state's highest employee award, the Carballo Award, to the Danversport Explosion Team, based out of MassDEP's Northeast Regional Office in Wilmington. Team members are: John Fitzgerald, Kingsley Ndi, David LaPusata, Zachary Peters, John Macauley, John Milano and Lawrence Immerman. The team quickly and expertly responded when a massive explosion leveled Danversport paint and ink manufacturers and severely damaged many homes in the area. Also earning praise for their exceptional work during 2007: the Spencer Water Incident Team, based out of

MassDEP's Central Regional Office (CERO) in Worcester (Paul Anderson, Ed Gates, Kristen Divris, Jeff Smith, Andrea Lemerise, Gene Brunelle, Nick Child and Kevin Daoust); Kim Temple of CERO; and William McGovern, Damon Guterman, Richard Juliano and Sandy Rabb, all based in MassDEP's Boston office.

\$2.2 Million Targeted To Fund Nonpoint Source Pollution Projects: The Patrick Administration recently announced that 11 projects worth nearly \$2.2 million in funding have been recommended as part of the 2008 Section 319 Nonpoint Source Competitive Grant Program. The 319 grant program focuses on implementation of measures to control nonpoint sources (NPS) of water pollution. 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 funded projects are: Improving Water Quality in the Hamilton Reservoir Watershed, Holland; Eel River Headwaters Restoration, Plymouth; Rockwell Pond Source Reduction Pilot Project, Leominster; Jackson Square Low Impact Development (LID) Program, Roxbury/Jamaica Plain; Mill Creek Estuary Stormwater Mitigation, Sandwich; Franklin Stormwater Retrofit Improvement Project, Franklin; James Brook Urban Stormwater Improvements, Groton; Stormwater Best Management Practices (BMP) Implementation for Little Harbor, Cohasset; Lake Waushakum LID BMP Implementation Project, Ashland; Onota Lake Preservation Project, Pittsfield; and operation of the Massachusetts Alternative Septic System Test Center in Barnstable. For more information, go to: <http://www.mass.gov/dep/public/press/0807319.htm>

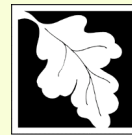
Water Conservation Efforts Still Needed Following Drought Conditions: The Commonwealth declared a Drought Advisory this fall, as rainfall was well below normal in August and September. To assist communities in their efforts to conserve water, MassDEP and the Executive Office of Energy and Environmental Affairs announced that 21 projects totaling \$662,397 have been awarded grant funding to reduce drinking water losses as part of the 2008 Water Conservation Competitive Grant Program. The grant projects will help to protect water resources by supporting water conservation education and outreach programs, water audits, leak detection surveys of drinking water systems, and rebates for low-flow devices. The qualifying projects are located in: Bridgewater, Concord, Danvers, Freetown, Hadley, Haverhill, Holden, Hopedale, Lexington, Middleborough, New Bedford, Norfolk, Pembroke, Pepperell, Sharon, Shrewsbury, Wareham Fire District, and West Boylston. Projects connected to the Massachusetts Department of Corrections and the Massachusetts Water Resources Authority were also funded. For more information, go to: <http://www.mass.gov/dep/public/press/1007wat.htm>

Grants To Protect Land Near Public Water Supplies: EOEEA and MassDEP announced last month that more than 390 acres of land vital to safeguarding the quality of public wells and reservoirs will be protected from development as a result of nine Drinking Water Supply Protection Grants. Totalling \$2.76 million, the grants will help municipalities acquire land that protects public drinking water supplies, while still allowing open access to the general public for appropriate recreational uses. The grants were awarded to: Fitchburg – to acquire the Crocker and Cassano Parcels and the Rice Parcel; Worcester – for the Pine Hill Reservoir Acquisition; Sudbury – for the Municipal Well Protection Project; Cohasset – for the Lily Pond Reservoir Protection Project; Ipswich – for the Lynch Property Acquisition; Marshfield – for the Union Street Acquisition; Medfield – for the Saw Mill Brook Conservation Land Project; and Salisbury – for the Donald Chase Trust Property Acquisition. For more information on these projects, go to: <http://www.mass.gov/dep/public/press/1207drin.htm>

Staples, Whole Foods Market Earn Wastewise Awards: MassDEP recently presented WasteWise Leadership Awards to Staples, Inc., and Whole Foods Market in recognition of their efforts to

promote waste reduction, recycling and environmental stewardship. MassDEP Commissioner Laurie Burt presented the awards during a WasteWise Forum. Staples offers nearly 3,000 recycled products for sale and provides in-store recycling services for a wide range of used electronics and office equipment. Staples also sponsors “Earth 911 Business,” a web site that connects businesses with environmental resources across the country. Whole Foods Market is a charter participant in the state’s voluntary Supermarket Recycling Program Certification and already has certified that 16 of its 18 stores in Massachusetts recycle and compost a wide range of materials.

MassDEP Promotes ‘Mass Recycles Paper’ Campaign: MassDEP marked the 2007 America Recycles Day in November by joining with MassRecycle, Inc. to promote the “Mass Recycles Paper” campaign, a statewide paper recycling initiative that seeks to significantly increase the amount of paper recycled in the Commonwealth each year. More than 130 communities across the state have signed onto the campaign. MassDEP Commissioner Laurie Burt said that more than one million tons of recyclable paper are thrown away every year, at a disposal cost of more than \$100 million. She said that if we can divert that paper from trashcans to recycling bins, we could add \$75 to \$100 million to the state’s economy from the sale of recycled paper. Recycling an additional million tons of paper would leave about 17 million trees uncut, save 380 million gallons of fuel, reduce greenhouse gases by 910,000 metric tons of carbon equivalent, and reduce carbon dioxide emissions by 3.3 million tons. For more information on the Mass Recycles Paper campaign, go to: www.massrecyclespaper.org



Massachusetts Department of
Environmental Protection
One Winter Street
Boston, MA 02108-4746

Commonwealth of
Massachusetts
Deval Patrick, Governor
Tim Murray, Lt. Governor

Executive Office of Energy &
Environmental Affairs
Ian Bowles, Secretary

Department of
Environmental Protection
Laurie Burt, Commissioner