

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

September 14, 2015

Gene Benson
Mass Association of Conservation Commissions
10 Juniper Road
Belmont, MA 02478

Re: Executive Order 562 – Regulatory Review

Dear Gene:

MassDEP has begun a review of agency regulations in accordance with Governor Baker's Executive Order 562. As part of our work under EO 562, I am inviting you to participate in a stakeholder advisory group. The advisory group I am inviting you to serve on includes a cross section of technical practitioners, advocacy leaders and subject matter experts. Our first session will take place in the 2nd Floor Conference Room A of the Saltonstall Building at 100 Cambridge Street in Boston, from 11 am to 1 pm on September 28th. Please remember to bring a Photo ID to pass through security.

As part of this group, we ask for your views on regulations we have identified to date for amendment or rescission or to propose other changes.

In the past several months, MassDEP has reviewed over 95 regulations and, during this initial assessment, we have considered the criteria under EO 562, including the following:

- Purpose/necessity of the regulation
- Whether the regulation was reviewed/amended during recent regulatory reform reviews in 2011-2013
- Whether the regulation is required by state or federal law
- Reporting requirements associated with the regulation
- Consistency with federal requirements (whether the requirements are more stringent)

This information is available in alternate format. Call Michelle Waters-Ekanem, Diversity Director, at 617-292-5751. TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

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As will be described below in further detail, MassDEP has identified ten (10) regulations to be rescinded as they are outdated or are related to programs no longer in operation. We have identified eighteen (18) regulations for amendment and revision by March 30, 2016.

As required by law, any regulations that are proposed for revision or rescission will have a public process (hearing and comment period) associated with them. Many regulations will also have individual stakeholder groups that provide input to the revision process.

REGULATIONS UNDER CONSIDERATION FOR AMENDMENT

The following regulations are under consideration for amendment to promote more efficient agency operations, or to promote streamlining of requirements

REGULATION	CITATION	PROPOSED CHANGE
Waterways – DPA/FPA	310 CMR 9.00	Flexibility in DPA and FPA requirements
Laboratory Certification	310 CMR 42.00	Updates for reporting, preventing fraud and certification standards
Land Application of Sludge and Septage	310 CMR 32.00	Update of Molybdenum limits
Industrial Wastewater Holding Tanks	314 CMR 18.00	Clarification for tanks within areas served by Publicly Owned Treatment Works
Industrial Wastewater – Photo Processors and Printers; Amalgam Wastewater & Recycling Regulations for Dental Facilities	310 CMR 71.00, 73.00	Environmental Results Program streamlining to reduce requirements for small photoprocessors, printers, and dentists.
Ground Water Discharge Permits Program	314 CMR 5.00	Add exemptions and self certification mechanism
Asbestos	310 CMR 7.15	Narrow scope: adjust training qualifications required for abatement work.
Air Pollution Control Regulation	310 CMR 7.18	Rescind outdated sections and update other sections to align with federal

		requirements; streamline/clarify certain permit and reporting requirements; establish appeal procedures.
Regional Greenhouse Gas Initiative (RGGI)	310 CMR 7.70	Narrow scope and propose allowances for facilities that provide steam in addition to electricity.

The following regulations are under consideration for amendment based on requirements contained in state or federal law:

REGULATION	CITATION	PROPOSED CHANGE
Massachusetts Motor Vehicle Emissions Inspection and Maintenance Program	310 CMR 60.02	Final package for “Kit car” standards.
Air Pollution – Low Emission Vehicle Regulations	310 CMR 7.00	Conform to vehicle emission standards to California standards per state law
Drinking Water	310 CMR 22.00	Federal conformity required for primacy of Revised Total Coliform Rule
Underground Injection Control	310 CMR 27.00	Federal conformity required for primacy
Clean Water/Drinking Water State Revolving Fund	310 CMR 44.00/45.00	Required update by state statute and conformance with federal law

Title 5	314 CMR 15.00	Adjust design flow for assisted living facilities. Required by state statute
Surface water quality standards	314 CMR 4.00	Comply with federal requirement to update bacteria standards for recreational coastal waters. (associated with changes to be promulgated by DPH)

The following regulation has been the subject of ongoing work by MassDEP with an Advisory Committee:

REGULATION	CITATION	PROPOSED CHANGE
Wetlands	310 CMR 10.00	Promulgate new standards for working in Land Subject to Coastal Storm Flowage.

RECOMMEND RESCISSION

Solid Waste Transfer Stations	310 CMR 18.00	Change from "reserved". No need to reserve.
Water Supply Contamination Correction Program	310 CMR 28.00	Grant program no longer exists/not funded.
Water Conservation Grants Program	310 CMR 31.00	Grant program no longer exists/not funded.
Household Hazardous Waste Grant Program	310 CMR 35.00	Grant program no longer exists/ not funded.
Landfill Capping Grant Program	310 CMR 37.00	Grant program no longer exists/ not funded.

Solid Waste Grant & Loan Programs	310 CMR 39.00	Grant program no longer exists/ not funded.
Financial Assistance to Municipalities for Correcting Failed On-Site Disposal Systems.	310 CMR 14.00	Grant program no longer exists.
Conversions to Coal	310 CMR 7.17	Superseded, outdated
Sulfur Dioxide Emissions Limits	310 CMR 7.21 and 7.22	Superseded, outdated
The Massachusetts Green Fleet Program	310 CMR 7.45	Superseded, outdated

Regulations that will not be reviewed or amended prior to March 30, 2016

MassDEP also has under consideration regulations that could be candidates for review beyond March, 2016 based upon work to be done in the balance of 2015 and 2016.

- Because of the high level of interest in how the new water management regulations will be implemented through permitting, MassDEP is working closely with communities and stakeholders on extensive outreach in 2015 and early 2016. This includes a significant technical assistance and pre-permitting effort. The Legislature has requested a report on the cost impacts to permittees to be submitted in March 2017. Given this effort and reporting requirement, MassDEP has not identified the Water Management Act regulations as regulations to be amended or reviewed by March, 2016.
- Chapter 259 of Acts of 2014 requires MassDEP to develop regulations to require interruption devices for new or renovated irrigation systems. The agency anticipates the formation of a stakeholder group to provide advice on the drafting of such regulations. We anticipate that proposed regulations would be developed by MassDEP after March, 2016.

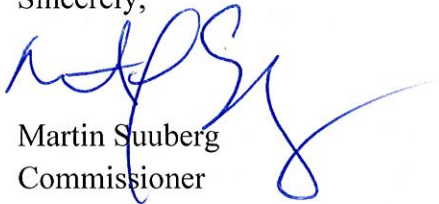
As indicated above, we would like to start discussing these proposed areas of review with you on September 28th. You may also see that we will be seeking input from the public in the weeks ahead. We will be seeking input from other established advisory groups as well as conducting three general public listening sessions.

In addition, to further inform our review and decision making, MassDEP will hold general listening sessions so that the public at large as well as interested stakeholders have the opportunity to hear about our process and offer feedback. The general listening sessions will be held as follows:

- MassDEP Central Regional Office, Suasco Conference Room – Worcester - September 29, 2015 from 4-6 PM
- Springfield Central Library, 220 State Street, Springfield – September 30, 2015 from 4-6 PM
- MassDEP Headquarters, Conference Rooms A, B & C – Boston – October 1, 2015 from 4-6 PM

We are looking forward to your input and discussion on these proposals. At the meeting, I hope to discuss how we can also engage with you in a meaningful way once we receive input and start moving forward on regulatory proposals. Again, thank you for your willingness to provide your advice and expertise to MassDEP.

Sincerely,



Martin Suuberg
Commissioner