

# EBC Leadership Series with MassDEP

*Commissioner Suuberg and the Western Region Leadership Team*



**EBC**



# Welcome

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## Jessamyn Cox

*Operations and Programs Coordinator  
Environmental Business Council of New England*



**Environmental Business Council of New England**  
*Energy Environment Economy*

# Thank you to our Program Partner

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*Society of Women Environmental Professionals –  
Massachusetts Chapter*



**EBC**

# Introduction

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**Kate Wilkins**

*Project Manager*

*Tighe & Bond*



**Environmental Business Council of New England**

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# Review of MassDEP Priorities

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**Martin Suuberg**

*Commissioner*

*Department of Environmental Protection*

*Executive Office of Energy and Environmental Affairs*

*Commonwealth of Massachusetts*



**Environmental Business Council of New England**

*Energy Environment Economy*

# Review of MassDEP Priorities

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## MassDEP Western Region Leadership Team

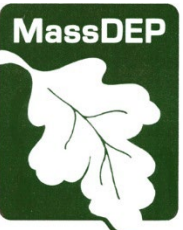
- **Michael Gorski**, *Regional Director*
- **Eva Tor**, *Deputy Regional Director, Bureau of Air & Waste*
- **Brian Harrington**, *Deputy Regional Director, Bureau of Water Resources*
- **John Ziegler**, *Acting Deputy Regional Director, Bureau of Waste Site Cleanup*



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**EBCNE Leadership Series:**  
**MassDEP Western Region**  
**September 28, 2022**



# Topics

- MassDEP Operations
  - COVID and Operations
  - Changes in Boston
  - Western Regional Office
- Climate Change
- New statutory requirements
- Rulemakings
- PFAS
- Environmental Justice and Diversity, Equity and Inclusion





# Topics

- Solid Waste, Recycling and Soils
- WERO Compliance and Enforcement
- WERO Major Initiatives/Responses



# MassDEP Operations

- Since COVID
  - Operations continue
  - Hybrid Model
  - Public Meetings
  - Changes in Boston and Northeast



# MassDEP Operations

- Boston Changes
  - Victoria Phillips; Acting Chief of Staff
  - Paul Locke; Acting Deputy Commissioner
  - Elizabeth Callahan; Acting Assistant Commissioner, BWSC
  - Brian Ferrarese, Ombudsman and Assistant Commissioner for Operations



# MassDEP Operations

- **WERO**

- Mike Gorski; Regional Director
- Eva Tor; Deputy Regional Director, Air and Waste
- John Ziegler; Acting Deputy Regional Director, Waste Site Cleanup
- Brian Harrington, Deputy Regional Director, Water Resources
- Catherine Skiba, Service Center Manager



# Climate

- Climate Legislation
  - Net Zero by 2050
  - 50% reduction by 2030; 75% by 2040
  - Environmental Justice
  - Cumulative Impacts
- Clean Energy and Climate Plan 2025/2030
  - [Massachusetts Clean Energy and Climate Plan for 2025 and 2030 | Mass.gov](#)



# New Statutory Requirements

- Climate Law
- Sewer Overflow Notification Law
- Flame Retardants
- Glyphosate Commission



# Rulemaking Topics 2022

## Climate:

1. Clean Energy Standard
2. GHG reporting
3. Advanced Clean Cars II
4. Cumulative Impact Assessment - air permitting –for public comment
5. Wetlands resiliency and 401 WQC resiliency -for public comment

## Water:

1. Water Management Act registration conditions update –for public comment
2. Title 5 and Nitrogen sensitive areas – for public comment



# PFAS

- Drinking Water
- Private Wells
- Site Discovery
- Wastewater and Residuals
- Task Force

<https://www.mass.gov/info-details/per-and-polyfluoroalkyl-substances-pfas>





# Environmental Justice and Diversity

MassDEP's mission is to protect and enhance the Commonwealth's natural resources - air, water, and land - to provide for the health, safety, and welfare of all people, and to ensure a clean and safe environment for future generations. In carrying out this mission MassDEP commits to address and advance environmental justice and equity for all people of the Commonwealth, provide meaningful, inclusive opportunities for people to participate in agency decisions that affect their lives; and ensure a diverse workforce that reflects the communities we serve.

MassDEP



# Environmental Justice and Diversity

- Environmental Justice and Equity
  - Enhanced Outreach; Public Participation Plans
  - Climate Legislation



# CUMULATIVE IMPACTS

- MEPA
- Cumulative Impact for Air; <https://www.mass.gov/info-details/cumulative-impact-analysis-in-air-quality-permitting>
- Extensive Stakeholder Process
- Draft Air Rules for public comment due by end of 2022.



# CUMULATIVE IMPACTS

*Steps for conducting a CIA under consideration include several new components to MassDEP's air permit review process:*

- Addition of pre-application community notice and stakeholder engagement to inform CIA and permit application;
- Assessment of existing community conditions using environmental, health, and socioeconomic indicators;
- Expansion of the number of air toxics evaluated (approximately double the current number of air toxics);
- Inclusion of cumulative air toxics air dispersion modeling that includes emissions from nearby permitted air sources;



# CUMULATIVE IMPACTS

- Addition of cumulative risk characterization of existing and new air toxics to quantify and evaluate risk to health;
- Addition of more detailed air dispersion modeling results to increase transparency and understanding of potential risks;
- Evaluation of significant traffic and other transportation emissions in air quality analysis;
- Description of how proposed air permit could affect the community in the context of existing environmental and health conditions and potential mitigation actions;



# CUMULATIVE IMPACTS

- Addition of notice of an informal comment opportunity on CIA / permit application that can inform MassDEP review; and
- Extension of formal public comment



# WERO Compliance and Enforcement

- We are active!
- Since COVID, ramping up
- High Level Enforcement Actions were 107% of the 5 year average.
- Inspections were 119% of the 5 year average.
- Penalties consistent with 5 year average



# WERO Compliance and Enforcement

- **Joint Enforcement with the Attorney General:**
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- **Barnhardt Manufacturing**– Action resulting from a sulfuric acid spill in the North River which had significant environmental impacts including a fish-kill.
  - Settlement value of approximately \$1.2 million includes Natural Heritage and Endangered Species Fund, NRD, fish restocking, etc.
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- **South Deerfield Water District (SDWSD) – Drinking Water:** Addressing water quality reporting and asbestos pipe handling violations resulted in
  - Surrendered of former SWSWSD’s operator’s professional water license
  - Bar from any public water supply work,
  - Pay \$200,000 in civil penalties
  - SDWSD improvement measures, including; water quality and asbestos audits by third party auditors, and training for SDWSD employees.





# WERO Compliance and Enforcement

- Joint Enforcement with the Attorney General:
  - **Dynamic Energy (Williamsburg)** – Wetlands, Solar Project: Impacts to approximately 97,000 square feet of protected wetlands and more than 41,000 feet of riverfront area and covered the bottom of the West Branch Mill River (a cold-water fishery):
    - Settlement valued at approximately \$1.14 million including restoration and conserving 24 acres of land.
    -
  - **Eversource Solar (Southampton):** Another Solar Project with impacts to in Moose Brook in Southampton (a cold water fishery):
    - Settlement valued at approximately \$310,000 including conserving property at the confluence of Moose Brook and the Manhan River.



# WERO Compliance and Enforcement

## MassDEP Administrative Enforcement Cases of Note:

- **Grasshopper Energy (Granville)** – Wetlands Solar Project - This Administrative Action resulting from impacts to resource areas in Granville: settlement value of \$300,000 in penalties and stabilization of the site, etc.
- **DG Northeast (Blandford)** - Wetlands Solar Project - This Administrative Action resulting from repeated discharges of sediment to resource areas in Blandford resulted in a penalty of \$45,293.00, plus the conservation of approximately 55 acres adjacent to a state conservation area.
- **Springfield Septic Haulers**– In 2022, WERO concluded enforcement against 4 septage haulers that had dumped septage at the Springfield Septage receiving facility without metering and paying for that service. The four all paid restitution to Springfield Sewer and Water (totaling over \$18,000) in addition to penalties a penalty in the amount of \$8,050.



# WERO Initiatives, Projects and Emergency Response

- Eco Power (Agawam)
- PFAS Site Discovery
- Orange Mill Fire Response



# WERO Initiatives, Projects and Emergency Response



MassDEP



# WERO Initiatives, Projects and Emergency Response



# Moderated Q&A with the MassDEP Western Region Leadership Team

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Moderator: Kate Wilkins, Tighe & Bond

- **Michael Gorski**, *Regional Director*
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