

# MassDEP Streamlining and Regulatory Reform



**Governor Deval Patrick has challenged MassDEP to improve its performance** and lighten the burden on our businesses and municipalities, while maintaining the strict environmental protection standards that help make Massachusetts a desirable place to live. MassDEP has met this challenge. We have streamlined permitting to meet the Governor's goal of "permitting at the speed of business." We have completed a top-to-bottom review and reform of our regulations, weeding out those that are obsolete or unnecessary, and focusing on the ones that matter the most.

These initiatives have dramatically shortened the time to permit, removed unnecessary barriers to jobs and economic growth, and made MassDEP a national leader in protecting the environment through smarter and better methods.

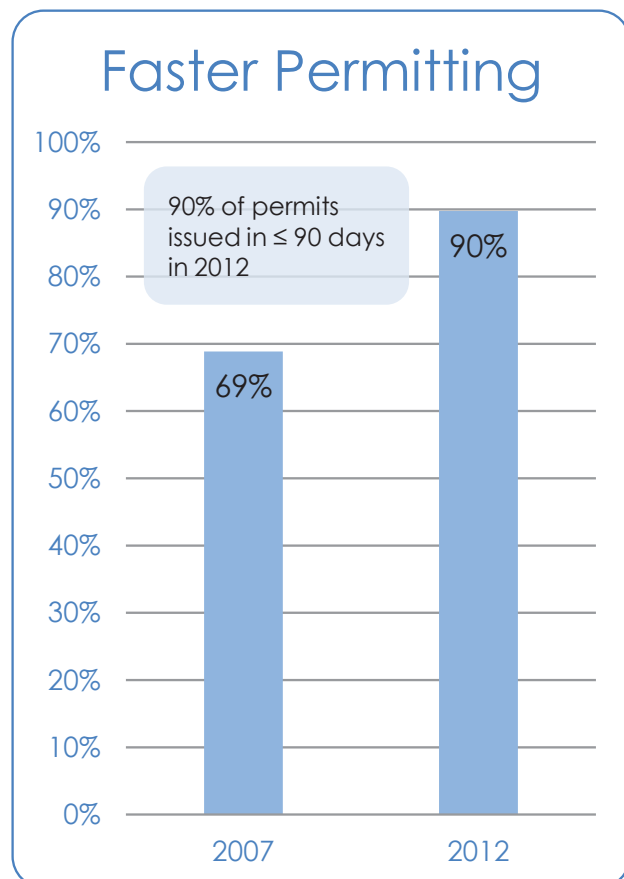


## Permit and Appeal Streamlining

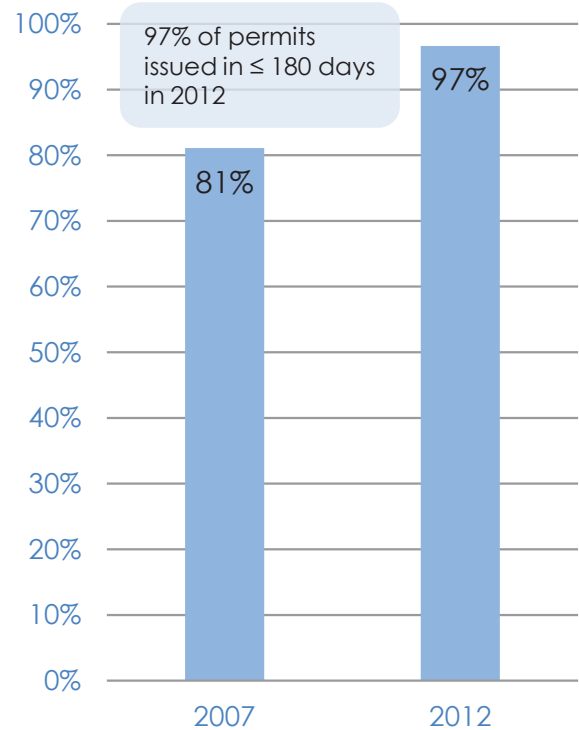
**Permit Streamlining:** In March 2007, Governor Patrick announced his “Regulation at the Speed of Business” Initiative to speed the regulatory decisions that are critical for development projects. Governor Patrick charged MassDEP to:

- Issue 90 percent of permit applications within 180 days or less.
- Reduce MassDEP permitting timelines for most of MassDEP’s permits by 20 percent.
- Reform key permit categories, selected because of their significance to economic development opportunities and history of customer concerns about decision process or delays. The targeted categories included: wetlands appeals, air quality permits, Chapter 91 licenses, and groundwater discharge permits.

**Streamlining Success:** MassDEP delivered on Governor Patrick’s Regulation at the Speed of Business Initiative completing all three steps outlined above.



## Faster Permitting



### Key Permit Categories

**Wetland Appeals:** Before 2007, homeowners or businesses conducting work in or near wetlands could expect years of delay waiting for appeals of wetland permits to be resolved. MassDEP streamlined the wetlands appeal process in October 2007 to establish clear deadlines and require appealing parties to present their case early in the process.

These reforms significantly reduced the time to resolve wetlands appeals. Since the reforms went into effect in 2007:

- **91 percent** of wetland appeals since October 2007 were resolved within seven months – in contrast, during the previous three years, only **38 percent** were resolved within this timeframe.
- **82 percent** of cases since October 2007 were resolved within six months – during the previous three years, only **31 percent** were resolved in that timeframe.

**Air Permits:** These permits are for power plants, manufacturing plants, and others, which emit large quantities of air pollutants. Since FY07, **99 percent** of air permits were issued within the



permit timelines, and 91 percent were issued within 180 days – **82 percent** were issued within 180 days from 2002 through 2007.

**Groundwater Discharge Permits:** These permits are needed by new businesses that are not connected to a sewer system. Since FY07, 97 percent of Groundwater (GW) permits were issued within the permit timelines and **83 percent** of groundwater discharge permits were issued within 180 days (an improvement from **68 percent** within 180 days during the previous five years). In FY2012 alone, 93 percent of GW permits were issued within 180 days and 76 percent within 90 days, significantly better than FY07, when 71 percent were within 180 days and 32 percent were issued within 90 days.

**Chapter 91 Licenses:** Chapter 91 licenses govern new projects along the waterfront. Over the past five years, **63 percent** of license decisions were issued within 180 days – only **20 percent** were issued within 180 days during the prior five years.

In FY12, 90 percent of license decisions were issued within 180 days and 80 percent were issued within 90 days – significantly better than the year before the initiative, when 22 percent were issued within 180 days and only 16 percent within 90 days.

These reforms mean that projects that meet our strict environmental standards can go forward on a timely basis. And for those projects that do not meet these standards, the applicant will receive a faster determination so that time and expense is not spent fruitlessly.

## MassDEP's Regulatory Reform Initiative

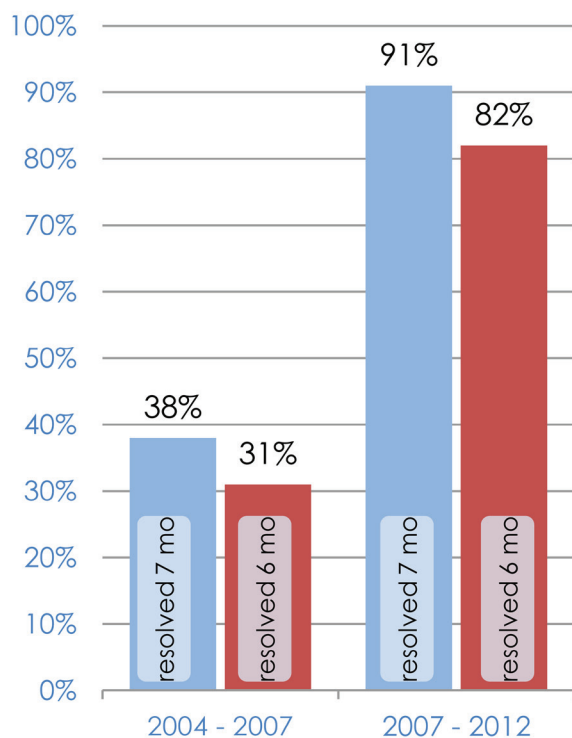
Building on the permit streamlining success, in April 2011, at the Governor's direction, MassDEP launched a broad Regulatory Reform Initiative. The main goal of this far-reaching effort was to boost efficiency so that MassDEP could maintain high standards of environmental protection despite resource constraints, and readying the agency for an increase in permitting activity as we rebound from the recession.

Another important goal was to lighten the regulatory burden on business without lowering environmental protection standards. MassDEP's Regulatory Reform Initiative also fulfills the requirement in the 2010 Act Relative to Economic Development Reorganization for all Massachusetts state agencies to review existing regulations for efficiency improvements.

With help from both business and environmental stakeholders, MassDEP identified more than **20 changes** to its regulations and policies that cut across the agency.

MassDEP then worked closely with external stakeholders to flesh out the regulatory and policy details and develop regulatory proposals necessary to implement these reforms – a total of

### Special Concern: Wetland Appeals







**16 regulation packages.** Those regulations have been published for public comment.

The regulation changes cover a wide array of programs, and generally fall into one or more of the following categories:

- Reducing MassDEP staff time for relatively low-value tasks;
- Avoiding redundant permitting of matters handled well at the local level;
- Using tried-and-true performance standards in lieu of individual permits;
- Promoting environmentally beneficial projects and innovative technology; and
- Lightening regulation by consolidating permit applications, harmonizing notice requirements, and other common sense approaches.

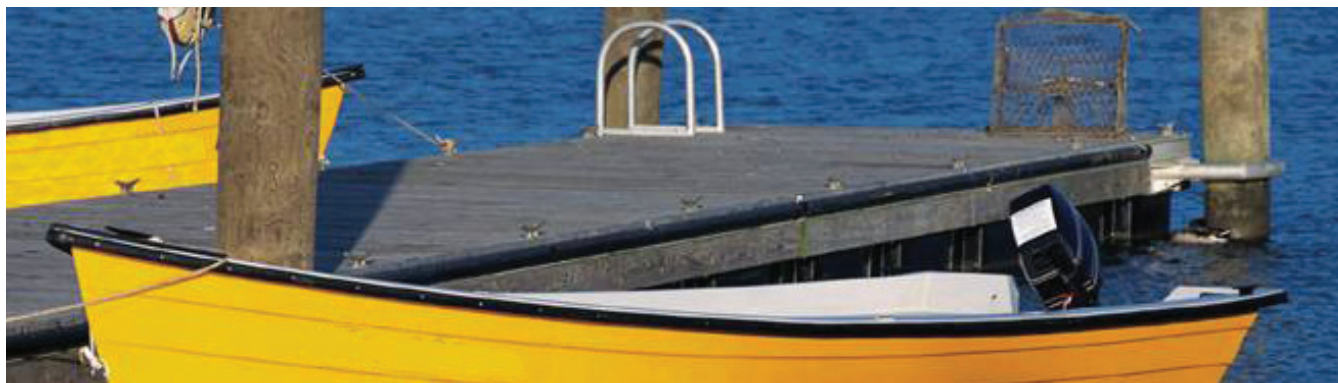
Some examples of the major changes include the following:

- Allowing landowners to “close out” hazardous waste sites by using effective ventilation systems and remote sensing devices to prevent indoor air pollution, thereby encouraging Brownfields redevelopment;
- Combining three different permits for coastal dredging projects into one permit process;
- Allowing businesses that want to pilot new

technologies to receive temporary permits that allow them to gather necessary data;

- Eliminating the requirement that businesses obtain a sewer connection permit for discharges into the sewer system, because this permit is already issued at the local level, and MassDEP regulates the discharges out from the sewer system; and
- Allowing homeowners to build small docks and piers without an individual MassDEP permit, as long as the homeowner obtains local approvals and does not interfere with others’ use of the waterfront.

Once implemented, these reforms will save hundreds of hours of administrative time per year for MassDEP and allow the agency to focus on the most pressing environmental challenges, such as identifying and remediating the sources of pollution of urban waterways, tapping into the hidden energy value of food waste through the process of anaerobic digestion, and implementing the Governor’s goal of reducing greenhouse gas emissions by 25 percent by 2020. These reforms will also promote jobs and economic growth, lighten the regulatory burden, and save significant time and expense for the private sector without, in any way, compromising the Commonwealth’s strict environmental protection standards.



Kenneth Kimmell, Commissioner  
Massachusetts Department of Environmental Protection  
One Winter Street, Boston, MA 02108

