

Annual Report on Timely Action, Fees and Program Improvements

State Fiscal Year 2024



May 20 2025

Commonwealth of Massachusetts

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The Massachusetts Department of Environmental Protection (MassDEP), an agency within the Executive Office of Energy and Environmental Affairs (EEA), is charged with protecting and enhancing the Commonwealth's natural resources - air, water, and land - to provide for the health, safety, and welfare of all people, and 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's permitting and annual compliance fee program was established in 1990 with the passage of M.G.L. c.21A Section 18 (the Fees Statute) and the promulgation of 310 CMR 4.00, the Department's Timely Action Schedule and Fee Provisions (the Fees Regulations). In return for the payment of fees to support its environmental programs, MassDEP sets specific schedules for permit review supported by a money-back guarantee if MassDEP fails to meet those schedules. The purpose of the Fees Statute and Regulations is to provide for the orderly and efficient administration of MassDEP's permitting and compliance programs.

The Legislature has directed MassDEP to report annually on its permitting and compliance performance and to provide a summary of the significant improvements the Department has made in these areas. This report is provided in response to that requirement.

Please visit our website at www.mass.gov/DEP for more information about these accomplishments and MassDEP's environmental programs.

I. INTRODUCTION

State Fiscal Year 2024 (SFY24) accomplishments include reducing greenhouse gas emissions, increasing climate resilience, framing environmental justice in the agency’s work, and considering cumulative environmental impacts in permitting activities. Commissioner Bonnie Heiple has led the agency to the milestones described below, guiding the agency in managing federal grant funds , adapting and improving the agency’s information services, and adjusting the MassDEP workforce as the agency continues to experience retirements and other staffing changes. Highlights of the agency’s accomplishments are described below.

MassDEP’s permit application fees totaled \$18.5 million in SFY24. Additionally, MassDEP collected \$10.2 million in Annual Compliance Fees, \$4.0 million in Chapter 21E Annual Compliance Fees and \$1.8 million in Wetlands Notices of Intent Fees. MassDEP’s appropriation in SFY24 from the General Fund was \$84,357,040.

Environmental enforcement activities in SF24 included 5,422 Compliance Inspections, 2,006 Lower-Level Enforcement actions and 508 Higher Level Enforcement actions. Penalties assessed this year totaled \$1.7 million and the agency collected \$1.1 million in penalty payments. Additional details on fee revenue and MassDEP’s compliance and enforcement activities are included in section III of this report.

II. HIGHLIGHTS OF MASSDEP ACCOMPLISHMENTS: SFY24

Equity and Environmental Justice

MassDEP continued to prioritize environmental justice (EJ) and equity and renewed its ongoing commitment to a diverse and inclusive staff and workplace culture within the agency. The MassDEP Office of Environmental Justice works across the state to ensure that the agency provides meaningful public involvement and community engagement opportunities for agency processes and decision-making activities. EEA supports these activities through its Office of Human Resources and Office of Environmental Justice and Equity. Internally, hiring, recruitment, and promotion efforts intentionally guide decision-making towards meeting our diversity goals and hiring and retaining talented and diverse staff that reflect the diversity of the people of the Commonwealth that we serve. Externally, the agency is committed to ensuring opportunities for engagement and an equitable distribution of environmental benefits and burdens. Certain SF24 accomplishments in equity and EJ are listed below.

- Requiring Cumulative Impact Analysis for Air Permitting.** In 2021, *An Act creating a next generation roadmap for Massachusetts climate policy* (Chapter 8 of the Acts of 2021) was signed into law. It established requirements for emissions reductions from a 1990 baseline: reducing GHG emissions by 50% by 2030, 75% by 2040 and achieving net-zero status by 2050. The Act also directed MassDEP to evaluate and seek public comment on incorporating cumulative impact analyses into air permitting. It further directed MassDEP to propose regulations to include cumulative impact analyses for certain air quality permits. The agency conducted an extensive stakeholder process to guide this work and published final rules that establish a cumulative impact analysis approach for certain air permits. The supporting tools for permit applicants provide localized demographic and environmental burden information and the regulations require advance engagement with affected communities. The innovative permitting steps will ensure deliberate consideration of local

input and the historic impact of existing environmental burdens near proposed air permits. More information is available here: <https://www.mass.gov/info-details/cumulative-impact-analysis-in-air-quality-permitting>

MassDEP's Mission

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 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.

- Seven additional full-time employees were hired as agency EJ staff** to help support the important environmental justice work at MassDEP in each regional office and bureau and to better serve the residents that comprise environmental justice populations across the Commonwealth.

- Implemented the Public Involvement and Community Engagement Guidance** for conducting expanded outreach for activities and actions that affect and/or impact EJ populations. The

Public Involvement Plan Guidance provides a roadmap for agency staff conducting public involvement activities, including how to engage the public in EJ populations and information on resources for language translation and interpretation services.

- **Developed more than 50 Public Involvement Plans or Fact Sheets** during permitting processes. These documents provide opportunities for the public to receive information and engage about proposed projects seeking state permits.
- **Finalized the MassDEP EJ Strategy**, which is now part of EEA’s comprehensive EJ Strategy. The Strategy includes metrics for measuring effective community outreach, public involvement, and engagement.
- **Began tracking reported metrics that impact environmental justice populations** in anticipation of the finalization of the EJ Strategy.
- **Continued to use the agency’s enforcement guidance on calculating penalties when violations affect an EJ population.** The guidance provides for upward penalty adjustments based on the public interest factor in calculating administrative penalty amounts when violations occur within or otherwise affect an EJ population.
- **Maintained an internal EJ Resources intranet page for agency staff** with resources for identifying EJ populations, providing language access tools, and contacts for community engagement and public involvement resources. The Office also manages language access requests for translation and interpretation services. The intranet page also includes recordings of EJ training accessible to all staff.
- **Continued to offer agency wide paid internship positions** that enable a more diverse range of applicants to contribute to the work of the agency and gain experience working for an environmental regulatory agency.
- **Attended job fairs** and established other outreach recruitment events and methods to reach potential candidates and diversify the agency applicant pools. The agency has also established a social media profile on LinkedIn to attract and reach interested potential employees.
- **Senior managers met regularly to discuss EJ and equity and diversity issues.** The internal Advisory Committee on Equity and Diversity (ACED) also met regularly. With 13 members from a variety of positions and offices across the agency, ACED provides recommendations to the Commissioner and senior staff to improve our internal and external processes and structures and identify future areas where we should focus our attention as it pertains to EJ, diversity, equity, and inclusion.

Climate Initiatives

The Healey-Driscoll Administration is prioritizing finding solutions to mitigate the impacts of climate change. Meeting climate challenges in every area of government will require creativity and increased coordination by agencies and within MassDEP. Throughout SFY24, EEA and MassDEP advanced work to mitigate greenhouse gas emissions and developed local resiliency measures to adapt to changed precipitation patterns, more frequent severe weather events, and prevent damage to the natural and built environment. MassDEP is committed to respond with urgency to this transformative environmental and public health challenge. Some of the agency’s climate related

work is described in this Guide: <https://www.mass.gov/guides/massdeps-climate-work#:~:text=MassDEP%20is%20working%20to%20mitigate,goals%20for%20the%20entire%20state>. Highlights of MassDEP’s climate work in SFY24 are noted below.

Working towards a Clean Heat Standard

The Clean Energy and Climate Plan calls for MassDEP to develop a **Clean Heat Standard** to reduce greenhouse gas emissions from the heating sector. MassDEP participated on EEA’s Clean Heat Commission to inform the design of such a program. The Commission released its final report in 2022, available here: <https://www.mass.gov/doc/massachusetts-commission-on-clean-heat-final-report-november-30-2022/download>. A draft framework for a Clean Heat Standard was published by MassDEP in fall 2023 that built on the agency’s stakeholder process to solicit input on the program design. Proposed reporting regulations for heating fuels that would support a Clean Heat Standard were shared for public comment, and the agency anticipates issuing final regulations for public comment in SFY25. The reporting regulation will help inform the development of the Clean Heat Standard. More information on the Clean Heat Standard Program development can be found here: <https://www.mass.gov/info-details/clean-heat-standard-program-development>.

Expanding Air Quality monitoring sensors and data

MassDEP expanded air quality monitoring in environmental justice areas and continued to enhance its air monitoring and community-based air sensor efforts in environmental justice areas. The agency added four ultrafine particle (UFP) monitors at its monitoring stations in Boston (Von Hillern Street), Chelmsford, Boston-Chinatown, and Springfield to enhance particle pollution monitoring in or near urban EJ population areas near high traffic roadways. MassDEP awarded 213 fine particulate matter (PM2.5) air quality sensors to 27 municipalities and community-based organizations. The new sensors, which are funded by the Massachusetts Office of Environmental Justice and Equity, will be deployed across the state with a majority installed in Environmental Justice areas. The newest monitoring stations, with PM2.5 and black carbon monitor capability, are located in EJ populations - Saugus and Framingham. The monitor in Framingham became operational on January 1, 2025 and the agency anticipates installation of the Saugus monitor in spring 2025.

Clean Energy and Climate Plan (CECP)

- The CECP for 2025 and 2030 is available online at <https://www.mass.gov/doc/clean-energy-and-climate-plan-for-2025-and-2030/download>.
- The CECP for 2050 is available online at <https://www.mass.gov/doc/2050-clean-energy-and-climate-plan/download>.

Additional Work to Reduce Greenhouse Gas Emissions and Increase Resiliency

- **Support for Electric Vehicles and Charging Stations.** MassDEP administers a grant program to increase deployment of electric vehicles called the Massachusetts Electric Vehicle Incentive Program (MasseVIP). This program has been funded through the Volkswagen emissions settlement and other sources. MassDEP allocated the maximum allowable amount (15%) of the Volkswagen funds to light-duty electric vehicle charging equipment. In SFY24 the agency distributed \$5,334,871 from the settlement fund.
- **ResilientMass Plan.** MassDEP continued to advance initiatives directed by EEA and Executive Office of Public Safety as part of the ResilientMass Plan (formerly known as the State Hazard Mitigation and Climate Adaptation Plan). The updated ResilientMass Plan released in the fall 2023 includes important resiliency initiatives led by MassDEP. Actions include developing a statewide hydraulic tool for designing stream crossings, providing municipal technical GIS mapping assistance for water utilities, developing a clean heat standard for heating fuels, and updating wetlands erosion control and restoration guidance. See the action tracker for these projects here: [ResilientMass Action Tracker](#)
- **No Net Loss of Carbon.** As a commitment under the *Massachusetts Clean Energy and Climate Plan for 2025 and 2030* (2022), EEA and MassDEP conducted the No Net Loss of Carbon in Wetlands Project to evaluate the carbon sequestration function of wetlands and develop strategies to achieve the goal of No Net Loss of Carbon in Wetlands in Massachusetts. MassDEP is evaluating the report’s findings and will recommend policy and regulatory strategies for improved protection of wetlands and mitigation for wetland carbon impacts.
- **Gap Energy Grants.** MassDEP’s Clean Energy Results Program continued to oversee deployment of \$8.1 million provided through 62 Gap Energy Grants to wastewater and drinking water systems, nonprofit organizations and small businesses providing affordable multifamily housing, and food distribution or production facilities. The grants help “fill the financial gap” to enable energy efficiency and clean energy generation projects to move forward. The grants improve emergency response capacity, resilience in extreme weather, and energy and greenhouse gas emissions reductions.
- **Guidance for Resilient Wetlands Restoration.** MassDEP convened interagency and stakeholder work groups to evaluate salt marsh restoration approaches and to clarify permitting processes under the Wetlands Protection Act and related permit requirements (e.g., 401, Chapter 91). With input from those partners, MassDEP developed final guidance on runnels, ditch remediation, and marsh islands. Draft guidance on sediment augmentation methods (i.e., Thin-Layer-Placement and Passive Sediment Augmentation) is expected to be completed in SFY25. MassDEP is preparing proposed revisions to its wetlands regulations that facilitate the use of these practices for wetlands restoration, encourage control of invasive species, and promote restoration of retired or abandoned cranberry bogs. MassDEP, with EEA, is preparing to a stakeholder process to help streamline the permitting process while maintaining necessary wetlands resource protections.
- **Statewide Hydraulic Model for Climate Resilient Stream Crossings.** Many of the 25,000-plus roadway crossing structures (small bridges and culverts) that convey rivers and

streams under roads in Massachusetts are undersized. This results in substantial impacts to fish and wildlife movement and habitat. Undersized structures also lack the capacity to withstand floods, especially given the increasing intensity and frequency of flooding. MassDEP is developing a Statewide Hydraulic Model that will assist municipalities and other owners of crossing structures by facilitating permitting and design of stream crossings that are resilient for flood flows and that better meet wetlands stream crossing standards for aquatic organism passage. This multi-year project is one of the ResilientMass Plan action projects that MassDEP is leading.

Multi-Media Challenge - PFAS

Per- and polyfluoroalkyl substances (PFAS) are chemicals that have been used in a wide variety of consumer products over many years and, because of their chemical structure, do not readily break down in the environment. Increasing concerns about the effects of PFAS on public health and the environment continue to spur action at the federal and state levels and prompt research aimed at better understanding the effects of these substances. Addressing PFAS in Massachusetts continues to be a major focus for MassDEP.

MassDEP monitored new research and actions by the United States Environmental Protection Agency (EPA) in implementing its PFAS Strategic Roadmap, as well as proposed legislation and other developments in other states. Our understanding of PFAS' effects on human health and the environment continue to advance rapidly into areas beyond drinking water. MassDEP has worked to evaluate and take steps to develop multimedia responses for PFAS in wastewater, biosolids and landfill leachate. Sites identified as contaminated with PFAS under the Chapter 21E program are being managed to remediate soil and groundwater contamination. MassDEP continues to follow the developing science, including investigation and monitoring techniques, and proposed standards at the federal level. MassDEP will continue to design programmatic strategies for Massachusetts to protect human health and the environment such as those identified below.

Drinking Water Protection and PFAS

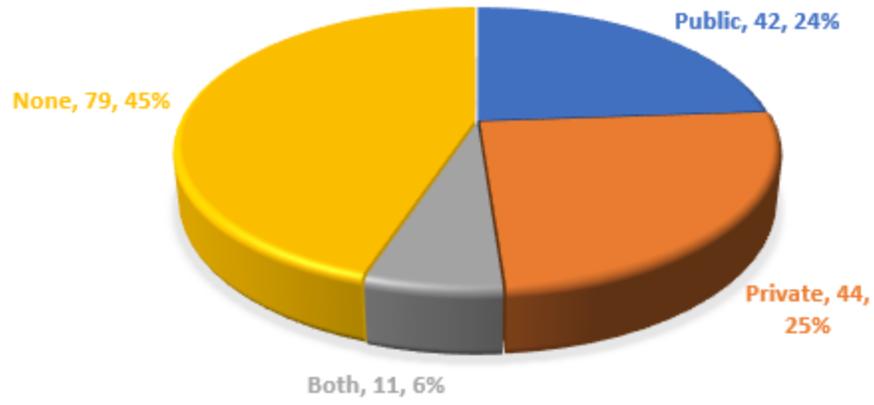
- In SFY24, the MassDEP Office of Research and Standards reviewed new research and information as part of the agency's work to complete the three-year review of the 2020 Massachusetts drinking water regulations that created PFAS maximum contaminant levels (MCLs). The "triennial review" was informed by EPA's release of its federal MCL for six PFAS in April 2024. Reviewing the state of the science for the Massachusetts MCLs and potential updates to Massachusetts drinking water regulations.
- MassDEP continues to assist public water systems (PWSs) in monitoring and implementation of the Massachusetts drinking water standards for six PFAS compounds. PFAS testing results from PWSs are available to the public on the web in the [EEA data portal](#).

- MassDEP’s Drinking Water Program worked with 175 PWSs with PFAS testing results that exceeded the Massachusetts drinking water standards. MassDEP staff conducted compliance assistance, issued enforcement documents, reviewed long term corrective action plans, and issued permits for construction of treatment plants, new water mains and removal of wells from service to address PFAS contamination.
- Over the past four years, 71 new or modified treatment facilities have been constructed to remove PFAS from drinking water. More information about PFAS in Massachusetts drinking water can be found in the story map on the MassDEP webpage, available at <https://www.mass.gov/info-details/per-and-polyfluoroalkyl-substances-pfas#pfas-detected-in-drinking-water-supplies-in-massachusetts>
- The MassDEP Drinking Water Program continues to work with PWSs to anticipate the system requirements and follow the new EPA drinking water standards for PFAS. MassDEP secured a \$38 million grant for Federal FYs 2022 and 2023 and a \$19 million grant for FFY 2024 from the EPA through the Bipartisan Infrastructure Law to address emerging contaminants in public drinking water in small and disadvantaged communities. MassDEP is distributing grants to public water suppliers and developing initiatives to improve their capacities to address emerging contaminants.

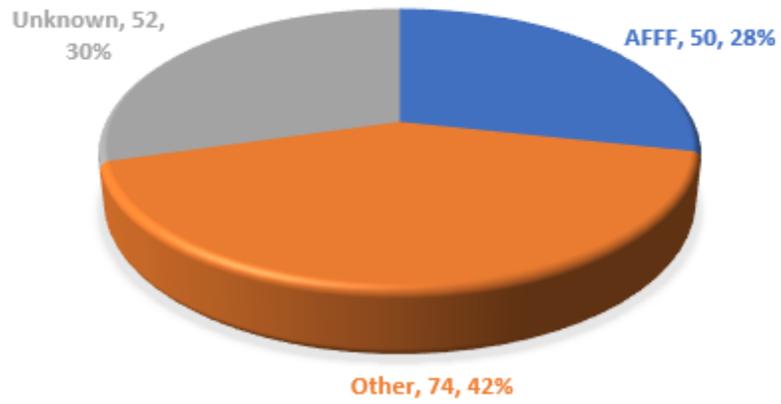
PFAS Site Identification, Assessment and Remediation

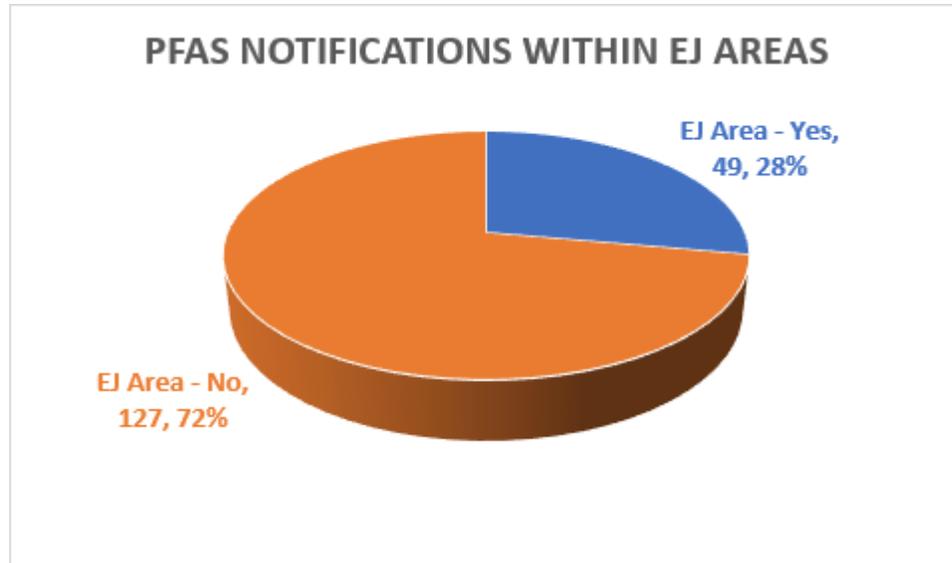
- MassDEP’s Bureau of Waste Site Cleanup focused on the identification, assessment, and remediation of known sites with PFAS contamination under the Massachusetts Contingency Plan (MCP). Its work included identifying—through review of assessment results and expanded investigations—likely sources of PFAS impacting drinking water resources and directing responsible parties to undertake response actions to further assess and remediate these sites.
- The Bureau of Waste Site Cleanup reviewed and approved actions to address sudden releases of PFAS (e.g., following the use of PFAS-containing aqueous film forming foam for fire suppression) and assessment and remedial plans to address PFAS at state and federal sites.
- A total of 176 PFAS sites have been identified in Massachusetts as of September 2024. Fifty-three of these are associated with public water sources and 49 are located in an Environmental Justice area.

DRINKING WATER AFFECTED BY PFAS SITES



SOURCE OF PFAS AT SITES





- In cases where responsible parties have yet to be identified or were unwilling or unable to conduct necessary actions, the Bureau of Waste Site Cleanup engaged contractors to mitigate Imminent Hazard levels of PFAS in private wells by installing treatment systems and providing bottled water in the interim.

Support for PFAS Treatment through the State Revolving Loan Fund

- The MassDEP State Revolving Loan Fund Program (SRF) and the Clean Water Trust continued to assist Public Water Suppliers addressing PFAS contamination. The SRF offered zero percent interest loans for construction projects to remove PFAS from drinking water, including the construction of treatment facilities and new water mains. Approximately \$342 million in loans and loan commitments have been issued. More information is available at <https://www.mass.gov/info-details/zero-interest-pfas-mitigation-loans>.

PFAS in Wastewater and Biosolids

- MassDEP has required PFAS sampling and analysis of wastewater and biosolids through permit modifications. Data reported in accordance with MassDEP surface water discharge permits and biosolids or residuals approvals are required to be uploaded to an online data portal that is available to the public at <https://eeaonline.eea.state.ma.us/portal#!/search/npdes>.
- MassDEP is evaluating options for the management of wastewater residuals that contain PFAS. A data gathering exercise to learn the “state of the state” for Massachusetts sludge, where it goes, and how it is managed (Part 1 of a comprehensive study) was conducted in SFY24. This study is the foundation for Part 2, being conducted in SFY25, in which additional analyses of biosolids management in Massachusetts will be performed including

impacts of PFAS on sludge disposal options, and policy and regulatory recommendations for MassDEP to consider.

Sampling Surface Waters for PFAS

- In collaboration with the United States Geological Survey (USGS), MassDEP initiated a second study of PFAS concentrations in rivers at nine locations. Sampling was conducted upstream and downstream of wastewater treatment plants, as well as samples of influent, effluent and biosolids at these facilities. MassDEP also initiated a third study collaborating with USGS of PFAS concentrations in sewer collection systems at six locations. This work began in SFY24 and will continue in SFY25.

Solid Waste – Sampling for PFAS at Landfills

- MassDEP’s Bureau of Air and Waste (BAW) responded to issues related to PFAS contamination from landfills. As MassDEP identifies or becomes aware of drinking water contamination, BAW works collaboratively with the Bureau of Water Resources to identify potential sources of contamination, including landfills that may be in proximity to a drinking water source. If a landfill is determined to be a possible source of PFAS, monitoring well testing is conducted. If the source of PFAS is confirmed, remediation activities are pursued. BAW anticipates that additional landfills will be identified for investigation as potential contributors of PFAS contamination as more public and private residential well water testing is conducted.
- BAW initiated a proactive effort to assess potential landfill contamination of drinking water sources at a number of landfills. Sampling at selected prioritized landfills began in SFY24 and is ongoing.

Collection and Destruction of Firefighting Foam Containing PFAS

- MassDEP has managed collection and destruction of legacy PFAS-containing fire-fighting foams through its “Take Back” program since 2018. With an additional \$250,000 in funding from the legislature, the program was extended to ensure that PFAS containing foam is not released to the environment.
- Through June 2024, more than 400,000 pounds (or over 47,000 gallons) of foam have been collected from 157 fire departments and facilities across the Commonwealth. MassDEP intends to continue the Take Back Program in SFY25 and to undertake efforts to assure continued awareness of its availability.

Laboratory PFAS Support, Research, and Risk Communication

- MassDEP’s Laboratory Certification Program continued to offer certification to interested laboratories to test drinking water for PFAS and to support public water suppliers.
- MassDEP’s Wall Experiment Station, Division of Environmental Laboratory Sciences and the Office of Research and Standards worked to expand the agency’s analytical capacity for PFAS in multiple media through analytical equipment upgrades, increasing staff capabilities and operationalizing additional PFAS methods.

- The Office of Research and Standards, the Drinking Water Program, and MassDEP's Regional Offices have provided extensive risk communication assistance to municipalities, Boards of Health, public water systems and the public regarding PFAS detections and exceedances of the Massachusetts drinking water standards. Assistance has included web-based information, assessment and communication of risks posed by PFAS detections in private water supplies and smaller public supplies, participation in public meetings and hearings and assistance in preparing public notices.

Recommendations of the Interagency PFAS Task Force; Monitoring Legislation

- A legislatively established Interagency PFAS Task Force released its Final Report in April 2022 after nine public hearings and testimony from a variety of stakeholders and experts. The Final Report included several recommendations related to MassDEP programs, including increased funding for PFAS detection and remediation, funding for treatment of PFAS in drinking water, expanding the scope of regulatory control to additional substances, and encouraging private well testing and remediation.
- Since the Report's release a variety of bills have been filed related to PFAS, and MassDEP continues to monitor legislative developments that would implement the recommendations from the Task Force. The report and more information on the Task Force can be found here: <https://www.malegislature.gov/Commissions/Detail/556/Documents>.

More information on MassDEP's PFAS work can be found here: <https://www.mass.gov/info-details/per-and-polyfluoroalkyl-substances-pfas>.

Recycling and Solid Waste

In SFY24, MassDEP continued to implement the 2030 Solid Waste Master Plan – Working Together Toward Zero Waste. New, ambitious state-level waste reduction goals that align with our carbon emission reduction programs, invest in innovation, and enhance ongoing engagement with communities across the Commonwealth were established in the Plan as well as regulation. Key disposal and recycling goals include:

- Reduce disposal statewide by 30 percent by 2030 (from 5.7 million tons in 2018 to 4 million tons); and
- Achieve a 90 percent reduction in disposal by 2050 (from 5.7 million tons to 570,000 tons).

The Solid Waste Master Plan and accompanying regulatory changes expanded landfill disposal waste bans for certain materials, setting a lower threshold for landfill disposal of organic materials and establishing new bans on disposal of mattresses and textiles. In the first year of implementation, from 2022 to 2023, these new waste bans and supporting programs resulted in more than doubling mattress recycling from 170,000 to 400,000 mattresses, increased recovery of

food materials by 6 percent, and increased recovery of textiles by 7 percent. Further progress is expected in continuing years of implementation as education and funding efforts grow.

The Solid Waste Master Plan also includes initiatives to strengthen engagement with and support of environmental justice communities, including:

- increasing engagement with environmental justice populations in all phases of MassDEP’s regulatory process;
- improving recycling grant evaluation criteria to recognize environmental justice community issues;
- promoting small-scale composting assistance to enable composting at community gardens in environmental justice areas;
- and promoting and encouraging the use of electric and hybrid trash and recycling collection vehicles in environmental justice communities.

MassDEP continues to focus on helping municipalities confront limited landfill capacity and a recycling market that has changed significantly in recent years, through a variety of technical and financial assistance programs. Supporting these programs, as well as expanding recycling capacity and reducing contamination of materials to be recycled, is intended to drive innovation in these areas to move the Commonwealth toward a zero-waste future.

The Solid Waste Master Plan announced increased recycling business development grants and a new recycling research and development grant program to drive innovation in recycling and waste reduction. In SFY24 MassDEP awarded \$5,186,340 million in grants, technical assistance and education services to municipalities to advance recycling (Sustainable Materials Recovery Program) and \$1,078,000 million in technical assistance and grants to advance business recycling and support/expand the recycling industry (Recycling Business Development Grants) in Massachusetts.

Additional information on the Plan is on the MassDEP website here:

<https://www.mass.gov/guides/solid-waste-master-plan>

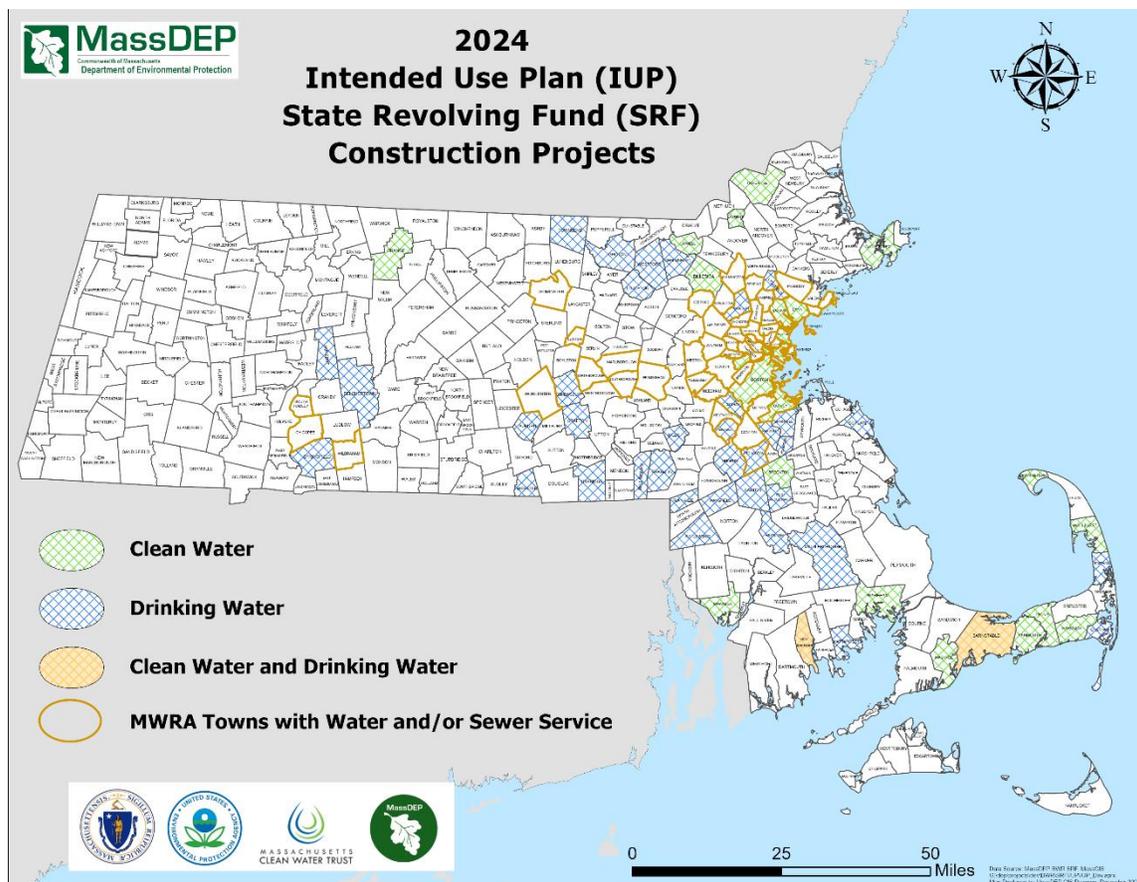
Addressing Nitrogen Pollution and Improving Water Quality

In July 2023, MassDEP promulgated revisions to the “Title 5” Regulations at 310 CMR 15.000 to designate Natural Resource Areas (coastal embayments) that are impaired by nitrogen pollution as Nitrogen Sensitive Areas. MassDEP also promulgated a complementary set of new regulations establishing a Watershed Permitting Program at 314 CMR 21.00. The revisions in both programs represent an innovative and needed step forward to control nitrogen pollution and improve water quality. MassDEP worked closely with Cape Cod municipalities and other governmental entities as they developed applications for watershed permits to reduce nitrogen pollution in their

watersheds. Thirteen Cape Cod municipalities have filed one or more of the following: (1) a Notice of Intent that they intend to file a Watershed Permit Application; (2) a Watershed Permit Application, or (3) a Request for a De Minimis Load Exemption. MassDEP supported this initiative with \$600,000 in grants in SFY24 and will increase that support in SFY25 to \$825,000.

Bipartisan Infrastructure Law Investment in Massachusetts

Approximately \$935 million dollars is expected to be available to invest in our communities from the federal government through the Bipartisan Infrastructure Law (BIL) over a period of five years (2022-2026). The funding is primarily directed through the State Revolving Loan Fund (SRF) Program and will supplement the annual EPA capitalization grants that fund the SRF programs. The 2024 SRF Intended Use Plans reflect this additional funding and are available online here: [2024 Final SRF Intended Use Plans | Mass.gov](#). Massachusetts offered over \$1.4 billion to finance 168 water infrastructure projects across the Commonwealth in calendar year 2024. The map below shows the SRF 2024 Intended Use Plan distribution of SRF funding (\$939 million for Clean Water SRF projects and \$506 million for Drinking Water SRF projects).



The SRF project solicitation opens in May of each year. Information on how to apply can be found in MassDEP’s website at <https://www.mass.gov/state-revolving-fund-srf-loan-program>.

Long Island Sound Grant

In September 2022, MassDEP was awarded a \$10.5M grant from the U.S. EPA for Long Island Sound Watershed Nutrient Reduction, available from **Bipartisan Infrastructure Law (BIL) funds**. The objective of this project is to support nitrogen reduction to Massachusetts waterbodies that are in the Long Island Sound watershed through nitrogen reduction upgrades to wastewater treatment facilities in Massachusetts municipalities with environmental justice populations. These funds were payable over 3 years. In SFY23 MassDEP distributed \$8.47 million to support nitrogen reduction projects at two wastewater treatment plants. In SFY23 MassDEP also began a workplan to expend the final \$2 million from the initial award. In SFY24 MassDEP’s workplan was submitted requesting a total of \$12 million of additional funding for eligible publicly owned treatment works seeking financial assistance for denitrification upgrades. The Management Committee awarded MassDEP \$10.6 million to be allocated over FFY25 and FFY26 distributed in a manner determined by MassDEP. MassDEP elected to utilize \$2.5 million for FFY25 in readily applicable projects and \$8.1 million for FFY26 within a workplan yet to be developed.

Remediating Lead in School Drinking Water

The MassDEP Water-Smart Program (formerly the Expanded Assistance Program) provides technical assistance to public and private schools and childcare facilities to establish a lead in drinking water monitoring program. In SFY24, MassDEP received EPA funding of \$1,890,000 to support education and outreach for this program. MassDEP’s technical assistance helps schools and facilities develop a site-specific sampling plan, provides lab analysis of samples taken at taps and water fountains used for drinking and cooking, assists with the identification of fixtures with lead concentrations over the laboratory analytical testing limit of 1 part per billion (ppb), and recommends possible remedial actions. The Program operates in conjunction with the University of Massachusetts-Amherst’s Department of Civil and Environmental Engineering and with the support of partners, including the state’s Department of Public Health, Department of Elementary and Secondary Education, Department of Early Education and Care, and the Massachusetts Water Resources Authority.

After facilities receive their sampling results, they are encouraged to take remedial actions at any location with levels of lead above the lab testing limit and to communicate the results and short-term action plans to parents and staff. Facilities communicate this information through emails, automated informational calls, letters, website postings, printed postings, newspaper articles, and meetings. Actions taken to address lead levels include removing and replacing fixtures, using

signage to indicate fixtures that are not intended to be used for drinking water, and implementing water line flushing programs.

In SFY24, the Water-Smart Program:

- Tested 3,386 outlets in 84 schools and 2,731 outlets in 273 childcare facilities;
- Tested 28 private schools through funding from the Clean Water Trust to support testing of private schools;
- Worked with 6 public water systems to test 69 schools and childcare facilities through a pilot program to increase participation and assist systems in meeting upcoming federal requirements on lead testing;
- Sent filtered water pitchers to 124 participating childcare facilities;
- Expanded our agency’s outreach efforts, including:
 - Increasing social media posts,
 - Sending physical postcard mailers, and
 - Coordinating with partner organizations,
- Rebranded from the Expanded Assistance Program to the Water-Smart Program; and
- Conducted Spanish language meetings with small groups of childcare providers.

Complementing the Water-Smart Program, the Clean Water Trust operates its School Water Improvement Grant (SWIG) program. SWIG covers the cost of water bottle filling stations to address detections of lead in drinking water at eligible schools and childcare facilities using \$5 million allocated by the Trust and nearly \$3 million awarded through a U.S. EPA grant. In SFY24, SWIG provided grants totaling \$156,000 for the purchase of 52 bottle filling stations in 24 school districts.

More information on the Water-Smart Program is available here:

<https://www.mass.gov/assistance-program-for-lead-in-school-drinking-water>. More information on the SWIG program is available here: <https://www.mass.gov/school-water-improvement-grants>.

Developing a Modern Information Technology System

MassDEP’s information technology system is part of EEA’s enterprise-wide framework for information management. The agency vision includes the Energy and Environmental Information and Public Access System (EIPAS) a multi-year integrated, shared service platform intended to modernize existing systems and to add new functionality based on MassDEP’s evolving data needs. Modernized applications enable MassDEP to improve transparency and better serve the public through shared data and online tools. The agency continues to build upon its successes, having added the citizen data portal and providing a secretariat-wide and agency-wide paperless online permitting platform. MassDEP is continuing to add functionality to its systems and completed updates to our integrated compliance and enforcement platform that supports many of our agency programs.

III. By the Numbers: MassDEP Permitting, Compliance and Enforcement in SFY24*

Table A. Timely Action Permit Application Fees and Activity**

Parameter	SFY23	SFY24
Applications received	2871	2925
Final determinations issued***	2655	2657
Refunds for missed timelines	0	0
Dollar value of timeline refunds	\$0	\$0

Table B. Timely Action Permit Application Final Determinations**

MassDEP Program	Final Determinations Issued***	Approved	Denied	Withdrawn
Air Quality	121	107	0	14
Waste Site Cleanup	0	0	0	0
Hazardous Waste	74	69	1	4
Lab Certifications	136	129	1	6
Solid Waste	256	235	0	21
Watershed Management	594	583	0	11
Water Pollution Control	108	91	0	17
Water Supply	685	647	9	29
Wetlands & Waterways	677	619	2	56
Total – All Programs	2657	2480	13	164

Table C. Timely Action Fees Collected Under 310 CMR 4.00

Fee Type	SFY23	SFY24
Annual Compliance Fees	\$10.8 million	\$10.2 million
Chapter 21E Annual Compliance Fees	\$4.1 million	\$4.0 million
All Permit Application Fees	\$2.6 million	\$2.6 million
Wetlands Notices of Intent	\$1.6 million	\$1.8 million
Total Timely Action Fees Collected	\$19.0 million	\$18.5 million

Table D. Special Projects Permitting and Oversight Fund

For certain permit applications that need specialized attention or action due to project size, complexity, or technical difficulty, or where proposed projects serve significant public interests and offer opportunities to restore, protect, conserve, or enhance natural resources, an alternative timeline and fee structure may be required. Pursuant to Section 40 of Chapter 149 of the Acts of 2004, revenue derived from these projects is deposited into the Special Projects Permitting and Oversight Fund. During SFY24 the following active projects met these criteria:

Project Name	Special Project Number	Total SFY24 Costs Incurred	Total Project Costs Incurred	Receipts to Date 08-30-24	Permit Code(s)
Specialty Minerals Inc	TF101	\$27,125	\$85,012	\$85,673	SW01 SW26
HRP 776 Summer St LLC	TF109	\$1,475	\$21,355	\$21,355	WW15
Crowley-Salem Offshore Wind	TF111	\$27,400	\$27,400	\$27,400	WW01 WW26
Murphy's Waste Oil	TF116	\$15,497	\$15,497	\$7,675	HW08
Tradebe Treatment & Recycling	TF117	\$18,034	\$18,034	\$40,163	HW08
Accordia Partners Dot Bay City	TF118	\$9,548	\$9,548	\$6,307	WW14
TOTAL		\$99,079	\$176,846	\$188,573	

Table E. Compliance and Enforcement Activity

Activity	SFY23	SFY24
Compliance Inspections	5033	5422
Lower Level Enforcement	2092	2006
Higher Level Enforcement****	434	508
MassDEP Penalties Assessed	\$1.4 million	\$1.7 million
MassDEP Penalties Collected	\$1.3 million	\$1.1 million

NOTES:

* Permitting, compliance, and enforcement counts as well as dollar amounts for prior fiscal years may vary from figures previously reported due to post-report data reconciliation.

** Values include only those permit categories tracked in MassDEP’s Accela on-line permitting application submittal system and in MassDEP’s Permit Information Management System (PIMS), and do not include certain categories such as Asbestos/demolition notifications, etc., which are tracked separately.

*** Final determinations include only applications that were approved, denied, or withdrawn during the fiscal year and may not reconcile with the total number of applications received because some reviews begin in one fiscal year and conclude in the next.

**** Higher Level Enforcement does not include Referrals and Settlements.

IV. Compliance and Enforcement Accomplishments and Goals for Fiscal Year 2025

Compliance and enforcement activities were stable or increased in number over the course of SFY24. As detailed in the above charts, the following highlights of SFY24 accomplishments are compared to the previous year’s activities in SFY23.

- The number of compliance inspections increased (+389);
- The number of Higher-Level Enforcement actions increased (+74);

- The number of Lower-Level Enforcement actions decreased (-86);
- The total amount of penalties (dollars) assessed increased (+\$300,000);
- The total amount of penalties (dollars) collected decreased (--\$200,000)
- Permit applications submitted increased (+54);
- Permits issued decreased (-177);
- No permit fee refunds were issued for not meeting permitting timelines (no change);
- The total amount of permitting fees received decreased (-\$500,000).

The agency will strive to maintain a vigorous compliance and enforcement presence in SFY25, including technical compliance assistance, regular inspection protocols and coverage, and appropriate enforcement actions when necessary.

V. Summary of the significant improvements in permitting and compliance programs

MassDEP’s online system (Accela) is available for nearly all agency permits, enabling online application submittals. A few permits still are managed with outdated technological systems which MassDEP is planning to replace, pending funding availability

MassDEP is in the process of designing a permitting webpage and re-establishing a Permitting Assistance and Management Office. This effort is one of the actions stemming from our Permitting Evaluation done in collaboration with the Lieutenant Governor’s Office.

Online permit application and processing provides multiple benefits:

- The online system checks to ensure minimum requirements are met, thereby improving administrative completeness of submittals, and timely issuance.
- Permits can be paid online, resulting in immediate start dates of permit timelines.
- “Online portals” enable the applicant and regulated entities to view the permit application [Search EEA Projects \(mass.gov\)](https://www.mass.gov/search/eea-projects) and search all permit decisions online . [EEA Data Portal \(state.ma.us\)](https://www.state.ma.us/eea-data-portal).
 - MassDEP’s webpage provides guidance on MassDEP permitting, including a *MassDEP Guide for Online Permitting* ([MassDEP Guide for Online Permitting | Mass.gov](https://www.mass.gov/search/massdep-guide-online-permitting)) which includes information regarding the agency’s “money back” guarantee. MassDEP offers this guarantee: A timely decision or you are eligible for a refund. The agency has permit category-specific timelines for acting on the applications it receives for permits, licenses, plan approvals, registrations, determinations and other approvals.