



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
Department of Environmental Protection

NOTICE

Notice is hereby given that the Executive Office of Energy and Environmental Affairs and Department of Environmental Protection (MassDEP), acting in accordance with the provisions of M.G.L. Chapter 21A, §18 and M.G.L. Chapter 21E § 3B will hold a public hearing on proposed amendments to 310 CMR 4.00, Timely Action Schedule and Fee Provisions.

The proposed amendments incorporate recent changes to program regulations, clarify the applicability of fee categories, and adjust schedules for MassDEP's permit review. Changes are proposed to the general provisions of these regulations, and to fee categories under Air Quality, Hazardous Waste, Laboratory Certification, Solid Waste, Water Supply, and Water Pollution Control. Among the proposed amendments is the addition of a new chemical laboratory fee category for Per- and Polyfluoroalkyl (PFAS) substances to support the Department's certification of environmental laboratories performing PFAS testing for drinking water.

A public hearing will be conducted under the provisions of Chapter 30A of the Massachusetts General Laws on:

Friday, August 23, 2019 -- Boston - 10:00 a.m.
MassDEP Headquarters, One Winter Street, (617) 292-5500

Testimony may be presented orally or in writing at the public hearing. In addition, written comments will be accepted at the address below until 5:00 p.m. on Tuesday, September 3, 2019. Please submit three copies of any written comments to: Jay Eberle, 4th Floor, Department of Environmental Protection, One Winter Street, Boston, MA 02108.

Please call Jay Eberle at (617) 556-1067 if you have questions concerning the public hearing or would like to request a copy of the background documents on the proposed regulations. Copies of the regulations and background documents will also be made available on the MassDEP website at: <https://www.mass.gov/regulations/310-CMR-400-timely-action-schedule-and-fee-provisions>

By Order of the Department
Martin Suuberg
Commissioner

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

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Small Business Impact Statement

(As required by M.G.L. c. 30A §§ 2, 3 & 5)

CMR No: 310 CMR 4.00, Timely Action Schedule and Fee Provisions

Estimate of the Number of Small Businesses Impacted by the Regulation: A wide cross-section of Massachusetts business and industry are subject to MassDEP permits that offer timely action schedules for permit decisions and require fee payments under 310 CMR 4.00. A large percentage of these are considered to be small businesses. The proposed amendments are primarily administrative but will also reduce annual fees for about 48 small facilities with air emissions that will no longer be required to register with the Department.

Select Yes or No and Briefly Explain

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to create, file, or issue additional reports? No additional reporting is required.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to implement additional recordkeeping procedures? There are no additional recordkeeping procedures required in the proposed regulations.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to provide additional administrative oversight? There is no additional administrative oversight anticipated by these proposed regulations.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Will small businesses have to hire additional employees in order to comply with the proposed regulation? There are no additional recordkeeping requirements so it is not anticipated that these sectors will need to hire additional employees.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)? There are no additional requirements in the proposed regulations that would require the hiring of other professionals.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation? There are no additional purchases or capital investments included in these proposed regulations.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective? (Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.) The regulations only set schedules for permit review and fee rates. Regulatory requirements pertaining to performance and operational standards and applicability are promulgated under separate program

		regulations.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Do any other regulations duplicate or conflict with the proposed regulation? MassDEP is not aware of any duplication of these regulations.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities? These regulations do not include such requirements.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements? There are no requirements for educational services to be provided by the regulated community.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts? The proposed regulations are primarily administrative in nature or reduce fees and are therefore unlikely to deter the formation of small businesses in Massachusetts.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts? The proposed regulations are unlikely to encourage the formation of small businesses in Massachusetts.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation provide for less stringent compliance or reporting requirements for small businesses? The regulation does not address compliance and reporting requirements.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses? The regulation does not address schedules and deadlines for compliance and reporting.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Did the agency consolidate or simplify compliance or reporting requirements for small businesses? The regulation does not address compliance and reporting requirements.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective? The regulations only set schedules for permit review and fee rates. Regulatory requirements pertaining to performance and operational standards and applicability are promulgated under separate program regulations.
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses? The proposed amendments set schedules for permit review and fee rates.