

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
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BY HIS EXCELLENCY

WILLIAM F. WELD
GOVERNOR

EXECUTIVE ORDER NO. 350

MASSACHUSETTS STATEWIDE ENVIRONMENTAL COORDINATING COUNCIL

WHEREAS, the Governor and the Attorney General of the Commonwealth are committed to ensuring that state agencies are in full compliance with the environmental laws of the Commonwealth; and

WHEREAS, the Commonwealth has taken steps to comply with such environmental laws, but additional information and solutions are needed in order to comply more fully; and

WHEREAS, a program of environmental education is needed to better educate each of the Commonwealth's agencies about its respective obligations; and

WHEREAS, the Commonwealth is committed to integrating preventive environmental measures such as resource conservation, source reduction, waste minimization, recycling and the use of innovative technology, and to incorporating innovative technology and environmental solutions in its plans for future construction and operations; and

WHEREAS, the Governor, as the Supreme Executive Magistrate of the Commonwealth under the Constitution, has the authority to order and direct the affairs of the Commonwealth agreeably to the Constitution and laws of the land;

NOW, THEREFORE, I, William F. Weld, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me as Supreme Executive Magistrate, do hereby order that state agencies work diligently and expeditiously to insure that they fully comply with and implement in their operations the environmental statutes and regulations of the Commonwealth and to insure that the operations and practices of state agencies include preventive environmental measures and, to that end, I order the establishment of a state Environmental Coordinating Council, referred to hereinafter as the Council.

I. Purposes and Functions

The purposes of the Council shall be to identify,

investigate and facilitate the resolution of existing and future environmental compliance matters, and to investigate, plan and propose the implementation of preventive environmental measures, all with respect to each of the executive offices, and their agencies, of the Commonwealth. The measures shall include the following: resource conservation, source reduction, waste minimization, recycling and the use of innovative technology at facilities or sites owned or operated by state agencies. With respect to the state authorities, the chair of the Council shall write to each of the state authorities and strongly encourage them to participate in the same manner as state agencies.

A. Environmental Compliance Issues

Each secretariat's coordinator (see "Membership and Meetings" below) shall identify and investigate the unresolved environmental compliance matters of his or her secretariat and of each agency within his or her secretariat. Such investigation shall include meetings held by each coordinator with representatives from each agency within his or her secretariat and the appropriate Department of Environmental Protection ("DEP") representative(s). Each coordinator shall submit a list of the unresolved matters to his or her secretary, the Council chair and the Office of the Attorney General within 45 days of the date hereof and update said list every 90 days.

Each coordinator, working with a DEP representative and, where appropriate, a Department of Capital Planning and Operations ("DCPO") representative, shall prepare a report either based on or comprised of reports from each agency which identifies, prioritizes and recommends a solution for each compliance matter, including cost estimates, possible funding sources, anticipated time of completion, and interim solutions, if such interim solutions are necessary ("Secretariat Report"). Each coordinator and DEP representative shall jointly submit their Secretariat Report to the secretary of the coordinator's executive office, and the chair of the council by June 1, 1993. The secretary and Council chair shall review and comment on each Secretariat Report to the appropriate coordinator and DEP representative by July 15, 1993. The coordinator and DEP representative shall make any appropriate changes to the Secretariat Report as a result of the review and comment, and forward a final Secretariat Report to the appropriate secretary and the Council chair by August 1, 1993. The Council chair, following final review, shall forward all of the final Secretariat Reports to the Governor by August 15, 1993 for his consideration. The Council chair shall also forward all of the final Secretariat Reports to the Office of the Attorney General simultaneously with their submission to the Governor.

If any of the parties responsible for producing a Secretariat Report is not satisfied that one of the other parties is moving ahead as quickly as possible to either: (1) identify unresolved compliance matters; (2) determine a course of action

for reaching compliance; and/or (3) implement the chosen course of action, then that party shall report such delays to the secretary of the appropriate executive office and the Council chair. Where no resolution is forthcoming, the Council chair shall meet with the appropriate secretary to determine the best course of action to achieve expeditious compliance, and the Council chair shall periodically report to the Governor and the Attorney General on their progress.

Once the Governor has approved the Secretariat Reports, each coordinator shall be responsible for pursuing expeditious compliance with the Secretariat Report, and shall report such compliance progress to the Council chair. The Council chair shall periodically report to the Governor and the Attorney General on the implementation and progress of each Secretariat Report.

In addition to the Secretariat Report, it shall be the responsibility of each coordinator to identify and investigate the environmental compliance matters of his or her secretariat and its agencies on an ongoing basis. If and as additional compliance matters arise, the coordinator shall follow the procedures established in the paragraphs above to address such matters. The time frame for following those procedures shall be established by the Council chair. If additional compliance matters arise and are not sufficiently addressed by the secretariat within a reasonable period of time, the coordinator for that secretariat shall submit a report of such matters to his or her secretary and the Council chair. The Council chair shall periodically report to the Governor and the Attorney General on the implementation and progress of each secretariat's corrective actions.

The requirements of previously existing permits, orders, or memoranda of understanding concerning environmental compliance are not superseded or modified by this Executive Order.

B. Preventive Environmental Measures

The Council shall study and consider various environmental preventive measures and regulatory changes which could be utilized by state agencies to ensure that the Commonwealth itself is engaged in environmentally sound practices. Also, in conjunction with the other members of the Council, each coordinator shall develop a Pollution Prevention Plan ("Prevention Plan") for his or her secretariat and its agencies which includes an education program; a recycling, conservation, and source reduction and waste minimization program; a program for purchasing recycled goods and using environmentally up-to-date equipment, materials and processes; and other appropriate preventive, environmentally beneficial activities. Each coordinator shall submit his or her proposed Prevention Plan to his or her secretary and the Council chair by July 1, 1993.

The secretary of each executive office and the Council chair shall review and comment upon that secretary's Prevention Plan by August 1, 1993. The coordinator shall make any appropriate changes to the proposed Prevention Plans as a result of the review and comment, and forward a final proposal to his or her secretary and the Council chair. The Council chair shall forward all of the proposed Prevention Plans to the Governor by October 1, 1993 for his consideration. Each secretariat and its agencies may implement measures included in the Prevention Plan which save money, reduce toxics or waste or otherwise prevent environmental harm if approved by the Council chair without waiting for the Governor's consideration. Nothing herein shall prohibit agencies from implementing measures which have been previously planned or authorized by the Legislature. Once the Governor has approved the Prevention Plans, the Council chair shall report to the Governor and the Attorney General periodically on the implementation and progress of each secretariat's Prevention Plan.

State-wide preventive environmental measures and regulatory changes for state agencies shall also be proposed by the Council. By October 1, 1993 the Council chair shall submit the Council's recommendations to the Governor and the Attorney General for state-wide preventive environmental measures and regulatory changes.

II. Membership and Meetings

A. The Council shall consist of a coordinator from each secretariat to represent his or her secretariat and its agencies, designated by the secretary of each executive office and reporting directly to that secretary. The Executive Office of Environmental Affairs ("EOEA") shall have a designated coordinator on the Council and, in addition, representatives from DEP, the Office of Technical Assistance and other offices to the extent necessary to identify for the Council existing environmental compliance issues and to discuss the options available for complying with the environmental statutes. The DEP representatives shall be designated by the Commissioner of DEP and such representatives shall report directly to the Commissioner. The Secretary of the Executive Office of Administration and Finance shall have a designated coordinator and shall also designate additional appropriate representatives as needed on the Council, including a representative from DCPO and the Department of Procurement and General Services ("DPGS"), with expertise in finance, purchasing, construction and land acquisition.

The secretary of EOEA or her designee shall serve as the chair of the Council.

B. The Council shall meet monthly until the Council has submitted to the Governor a Secretariat Report and Prevention Plan for each secretariat, and shall meet periodically thereafter

at the direction of the Governor or the Chair.

III. Inter-Agency Cooperation

The Council shall be entitled to and shall receive the cooperation of every administrator and employee of every department, agency, and office of the Commonwealth in fulfilling its purpose and functions.

Given at the Executive Chamber in
Boston this 3rd day of
February in the year of our Lord
one thousand nine hundred and
ninety-three.

William F. Weld, Governor
Commonwealth of Massachusetts

Michael Joseph Connolly
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS