



## Department of Environmental Protection

# ENFORCEMENT

## 2005: Protecting the Environment, Securing Our Future

The Massachusetts Department of Environmental Protection (MassDEP) continued cracking down on violators at a record pace during fiscal year 2005. While keeping pace with last year's record number of higher-level enforcement actions, MassDEP issued \$6.1 million

health and the environment. Building on initiatives begun in fiscal year 2004, MassDEP continued to identify and penalize those who put people at risk of exposure to asbestos and other pollutants, as well as those who illegally fill wetlands.

MassDEP will continue to serve as the environmental "cop on the beat," protecting our citizens and natural resources throughout Massachusetts. The agency will continue to use innovative technologies and creative approaches to aggressively enforce against violators. ■

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in administrative penalties – breaking the record it set during fiscal year 2004.

Robust enforcement is the cornerstone of MassDEP's efforts to safeguard the citizens of Massachusetts and the environment. The message should be clear to those who choose to violate environmental laws: you are going to get caught and you are going to pay dearly, because there is a stiff price to pay for cutting corners on the environment and MassDEP remains vigilant in fulfilling its mission to protect public health and the environment.

In addition to record fines, this past year's enforcement efforts yielded impressive environmental results. MassDEP continued to target specific areas that pose the greatest potential risk to human

MassDEP also expanded its efforts in fiscal year 2005 by launching a comprehensive Clean Schools Initiative designed to protect children. Through a variety of compliance assistance and enforcement efforts, MassDEP worked to ensure that school kids have safe water to drink, clean air to breathe, and are protected from exposure to a variety of dangerous chemicals often found in science labs, vocational shops, art rooms, and maintenance areas.

Finally, the Massachusetts Environmental Strike Force partnered with local law enforcement officials in several cities to attack illegal dumping in urban areas. By using covert video surveillance, the Strike Force was able to catch people in the act of dumping solid and hazardous wastes and then prosecute them.



## The Clean Schools Initiative

Because children typically spend at least six hours of every day at school, protecting them in their learning environment is very important work for MassDEP. The Massachusetts Clean Schools Initiative is a multi-faceted compliance assistance and enforcement initiative designed to ensure that our kids have safe water to drink, clean air to breathe, and protection from exposure to toxic and hazardous chemicals.



## Asbestos Enforcement Sweep at Schools

Asbestos is a mineral used in fireproofing, insulation and tiles. But when asbestos fibers flake off, become airborne and then are inhaled by people, they can do serious damage to the lungs and other vital organs, and can lead to cancer and other diseases. Children are particularly at risk since their lungs are developing and, pound for pound, they

breathe 50 percent more air than adults.

Massachusetts' regulations require that demolition and renovation involving asbestos-containing materials at schools and other buildings be performed with great care by licensed professionals. Unfortunately, contractors sometimes cut corners and skip required safeguards, placing students and other building occupants at risk.

During the summer of 2004 and again over the winter, MassDEP conducted enforcement sweeps targeting illegal asbestos work at schools across Massachusetts. MassDEP inspectors made

unannounced visits at night, on weekends and during February school vacation week, visiting 70 schools in all and initiating enforcement cases against 18 contractors for illegal asbestos abatement work in schools.

Through these efforts, MassDEP has improved compliance rates for work performed in schools to 90 percent, with most violations found now being much less serious in nature.

The agency has widely publicized the outcome of these targeted sweeps to raise awareness among contractors and school departments in an effort to deter future violations. ■



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## School Chemicals & Toxics Management

Schools store a variety of hazardous chemicals and materials in science labs, vocational shops, art rooms, and maintenance areas. Many of these give off harmful fumes that are toxic, flammable, and occasionally even explosive. MassDEP is working with schools across the



Commonwealth to aggressively address this problem. The agency's efforts have included educational materials and training programs on best management practices, and funding for the cleanout of unneeded hazardous materials.

In the last four years, MassDEP has provided training and assistance for more than 160 Massachusetts schools in the management and removal of hazardous substances. One of this initiative's most important accomplishments is the removal to date of more than 1,600 pounds of mercury, a toxic heavy metal, from school labs and health offices across the state. ■

## School Bus Idling Reduction

Numerous studies have shown that engine exhaust poses health risks and excessive school bus idling increases children's exposure to harmful particulate emissions. MassDEP is working to reduce those risks and exposures by improving compliance with state anti-idling regulations that prohibit unnecessary engine idling in excess of five minutes. MassDEP's efforts are largely focused on technical assistance and training for school bus operators, enhanced by a targeted and strategically communicated enforcement initiative.

To date, MassDEP has provided idling reduction training to more than 800 school bus drivers, held "train the trainer" sessions with the School Transportation Association of Massachusetts, worked with the Massachusetts Department of



Public Health and the Executive Office of Environmental Affairs to produce an anti-idling video, and developed an idling reduction tool kit for distribution to school systems across the Commonwealth.

During a statewide enforcement crackdown that began last fall, MassDEP inspectors observed 651 school buses at a sampling of 56 elementary, middle, and high schools across the state. There were two rounds of inspections, and the agency saw improvement from 65 percent compliance last fall to 86 percent compliance in the spring. ■



## Unregistered Public Water Supplies at Daycares

Children of day care age are particularly susceptible to a number of waterborne contaminants such as bacteria, nitrates, lead and copper. Working in cooperation with the Office of Child Care Services, MassDEP identified 16 daycare facilities across the state that were not registered as public water suppliers and therefore not performing required drinking water testing to ensure the water being served to children was safe to drink.

MassDEP sampled and tested water from these facilities to ensure that it was safe for consumption. The drinking water at most of the facilities was of high quality and perfectly safe. At a few, however, MassDEP found problems and took immediate action, requiring the facilities to serve bottled water to the children in their care until those issues were addressed and safe tap water was again available. ■

## Illegal Dumping

Illegal dumping has become a major problem across Massachusetts. It most commonly occurs at night from passing vehicles in open areas, near abandoned buildings, or along roadsides. Dumping affects public health and safety and reduces property values and our quality of life. We have all seen areas with piles of debris that spoil the whole area, creating an eyesore - or worse.

To combat illegal dumping, the Environmental Strike Force

launched a joint effort with several cities - Boston, Lawrence and Lynn - to deploy hidden video surveillance cameras and catch dumpers in the act, prosecute them, and publicize these actions in an effort to deter future violations. This effort has begun to yield results. Several violators have been



caught on tape and are now being prosecuted by the Strike Force. ■

## Wetlands Enforcement

Wetlands provide natural filtration of drinking water and groundwater supplies, buffering against floods and storms, and providing valuable habitat for wildlife, fish and shellfish.

More than half of all wetlands losses in Massachusetts each year are the result of illegal filling. Much of this unlawful activity

occurs out of sight: violators never apply for permits from local conservation commissions and fill areas that are not visible from public rights of way.

But now, using sophisticated computer technology to analyze "before" and "after" aerial photographs taken over the last several years, MassDEP has

developed a new way to identify previously undetected wetlands violations.

During fiscal year 2005, MassDEP successfully concluded 91 enforcement cases, ordering the restoration of more than 25 acres of illegally filled wetlands and assessing more than \$900,000 in penalties. Not only is MassDEP finding and punishing violators through this initiative; the agency is deterring potential future violations.

MassDEP is committed to wetlands protection and supporting the efforts of local conservation commissions in preserving the state's fragile and vanishing wetlands. Underscoring the importance of this partnership, MassDEP this spring conducted another statewide aerial photography survey to identify and prosecute wetlands violators. ■

