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October 6, 2017

Senator Anne M. Gobi, Co-Chair  
Joint Committee on Environment, Natural Resources and Agriculture  
State House, Room 513  
24 Beacon Street  
Boston, MA 02133

Representative Smitty Pignatelli, Co-Chair  
Joint Committee on Environment, Natural Resources and Agriculture  
State House, Room 473F  
24 Beacon Street  
Boston, MA 02133

RE: Delegate NPDES Authority to MassDEP Now

Dear Senator Gobi and Representative Pignatelli:

I am writing on behalf of the Massachusetts Coalition for Water Resources Stewardship (MCWRS) to urge you to support House Bill 2777- *An Act to Enable the Commonwealth's Administration of the Massachusetts Pollutant Discharge Elimination System*. This legislation would begin the process to have the Massachusetts Department of Environmental Protection (MassDEP) assume delegation of the National Pollutant Discharge Elimination System (NPDES) permitting authority for the Commonwealth. Currently, the U.S. Environmental Protection Agency (EPA) administers the program in Massachusetts while 46 other states manage their own NPDES permitting. Idaho has begun the process of assuming delegated authority, which would leave Massachusetts as just one of three remaining states who must defer to the federal EPA.

As you consider the legislation, please keep in mind the following:

- Voting to delegate authority to MassDEP does not remove EPA from the permit process. And, while unprecedented, EPA can always resume control.
- Massachusetts will not lose any federal funding under Section 106 of the Clean Water Act. The amount of funding is set in law and derived by a formula.
- Having MassDEP manage the program maintains local control rather than leaving decisions critical to Massachusetts in the hands of federal regulators and policy makers. MassDEP is committed to and has demonstrated it can work with all local stakeholders.
- MassDEP already has delegated authority for drinking water, air quality, and hazardous waste programs that it is managing with great success.
- EPA's one-size-fits-all approach to permitting does not consider location-specific environmental, social, and economic factors, whereas MassDEP's is more familiar and in tune with the various regions, watersheds, and ecosystems in Massachusetts. Its water quality standards would be more site-specific and based on the most up-to-date science.
- Delegation allows MassDEP to implement a more protective regulatory program than what is required by EPA.

- Delegation allows for more up-to-date permits, enhanced technical assistance, and addressing current environmental issues (EPA's track record includes delays of more than a decade in reissuing hundreds of permits).
- A locally run permit program allows MassDEP to make permitting decisions based on better on-the-ground information about Massachusetts waters, focusing significant funding to data collection and management tools that ensure accuracy and smart decision-making with more science and monitoring.
- MassDEP management of the program would provide greater opportunity for municipalities to successfully implement integrated water resources planning and address multiple regulatory requirements and community infrastructure needs, all while maintaining affordable water and sewer rates.
- Having MassDEP manage the program would ensure consistency with other state-run environmental initiatives.
- Under the Clean Water Act, it is the states that establish water quality standards and determine conditions of local waters. The NPDES permits are to be written to meet state water quality standards and goals. Currently, EPA Region 1 writes the permit to meet its interpretation of Massachusetts water quality standards. It would be much more efficient and make a lot more sense for the State to write the permit to meet its own standards, thus eliminating different interpretations that often put EPA and MassDEP at odds.
- Governor Charlie Baker has identified the resources needed to successfully run the NPDES program and has committed a \$4.7 million annual budget line item to do so, adding 40 new staff to supplement the existing 27 staff.
- Included in the Governor's budget is \$1.5M for contract support in the form of technical assistance, water quality monitoring, lab support, and TMDL development.
- Since everyone benefits from clean water, dedicated funding through the State budget is the most equitable approach. Ratepayers should not bear the entire burden.
- MassDEP will manage NPDES permitting much more effectively and efficiently and produce a balanced program that protects the environment in an economically sustainable way.

The Massachusetts Coalition for Water Resources Stewardship (MCWRS) is a statewide nonprofit working to ensure that municipal interests are considered as we work together to protect the environment. Please carefully consider municipal interests before you cast your vote. Our residents and ratepayers are your constituents.

Sincerely,



Philip D. Guerin  
President and Chairman

cc: JENRA Members  
Karyn Polito, Lieutenant Governor  
Matthew A. Beaton, Secretary, Energy and Environmental Affairs  
Martin Suuberg, Commissioner, MassDEP  
Deborah Szaro, Acting Regional Administrator, Region 1  
MCWRS Board of Directors  
MCWRS Members