



The Commonwealth of Massachusetts
MASSACHUSETTS SENATE

SENATOR JAMES B. ELDRIDGE

Middlesex and Worcester District

STATE HOUSE, ROOM 320
BOSTON, MA 02133-1053
TEL: (617) 722-1120
FAX: (617) 722-1089

JAMES.ELDRIDGE@MASENATE.GOV
WWW.MASENATE.GOV

Chairman
COMMITTEE ON FINANCIAL SERVICES
Vice Chairman
COMMITTEE ON COMMUNITY DEVELOPMENT
AND SMALL BUSINESSES
and
SENATE COMMITTEE ON GLOBAL WARMING
AND CLIMATE CHANGE

DISTRICT OFFICE
225 MAIN STREET, ROOM 106
MARLBOROUGH, MA 01752
TEL. (978) 460-8564

October 10, 2017

The Honorable Anne M. Gobi, Senate Chair
Joint Committee on Environment, Natural Resources and Agriculture
State House Room 513
Boston, MA 02133

The Honorable William Pignatelli, House Chair
Joint Committee on Environment, Natural Resources and Agriculture
State House Room 473F
Boston, MA 02133

RE: H. 2777, An Act to enable the Commonwealth's administration of the Massachusetts Pollutant Discharge Elimination System

Dear Chairwoman Gobi and Chairman Pignatelli:

I am writing in strong opposition to House bill 2777, *An Act to enable the Commonwealth's administration of the Massachusetts Pollutant Discharge Elimination System*, and respectfully request that this bill receive an unfavorable report from your committee.

H. 2777 will allow the Department of Environmental Protection (DEP) to administer the U.S. Environmental Protection Agency's (EPA) National Pollutant Discharge Elimination System (NPDES) for federal water quality protection. Additionally, the proposal will give the Commonwealth oversight of water quality monitoring, assessment, and water quality standards programs. This legislation is unnecessary, costly to implement, and will lead to weaker protection of water resources in the state.

I am deeply concerned that giving DEP delegation over the NPDES program will seriously hurt the Commonwealth's water resources. Proponents of H. 2777 argue that DEP would offer more flexibility in permitting, but greater flexibility translates directly to weaker protection of our waterbodies. Historically, DEP has argued with the EPA for higher pollutant limits (more

pollution) and longer timetables for polluters to come into compliance with pollution control requirements. With previous permits, DEP clashed with the EPA over how much nutrient pollution could be discharged into the Assabet, Concord, Blackstone, Charles, and Taunton Rivers. We can thus surmise that greater amounts of sewage and pollution would be allowed to flow into our rivers and lakes with state administration of the NPDES program.

DEP's most recent decision to side with the Trump administration and delay the implementation of a storm water protection plan further suggests that clean water is not a top priority for the agency. After the EPA spent ten years negotiating the terms of the MS4 storm water pollution permit with state and local officials, the Trump administration announced that it would not implement the plan until July 2018. When given the opportunity to protect water quality through state leadership, DEP under the Baker-Polito administration instead mirrored the action of a president who is set on rolling back environmental protection policies.

In addition, it would be fiscally irresponsible to assume control of a federally funded program at a time when revenue streams are emaciated. Estimates for the cost of managing this program have ranged from \$4.7 million to \$10 million annually. The new program would be subject to budget appropriations and could therefore get underfunded year after year. DEP already lacks sufficient funding and has lost about 30 percent of its staff after budget cuts and early retirements in 2009. The agency lacks the bandwidth to accomplish current obligations in a timely fashion, and giving them additional responsibility that could otherwise be completed by federal agents at no cost to the state would only add to the backlog.

Great progress has been made in restoring the health of our rivers and lakes thanks to the joint efforts of the EPA and our communities. Public health, tourism and recreation revenues, property values, and the overall quality of life in the Commonwealth will all suffer if we allow weaker protection of our waterbodies. Unfortunately, given the Baker-Polito administration's recent announcement that it will not enforce the MS4 storm water permit, I do not have the same confidence in the DEP to protect our local resources, and believe it would be disastrous to grant them administration of the NDPEs program.

I, therefore, respectfully request that you give this bill an unfavorable report, thereby allowing the EPA to continue implementation of a program that has kept the natural resources and residents of the Commonwealth safe for decades.

Should you have any questions or concerns, please do not hesitate to contact me or my office.

Sincerely,



Jamie Eldridge
State Senator
Middlesex & Worcester