



Legislation Summary:

An Act to enable the commonwealth's administration of the Massachusetts pollutant discharge elimination system

Initial bill number: [H2777](#) (Bill numbers will change as legislation proceeds.)

Sponsor: Gov. Charles D. Baker

This legislation would enable Massachusetts to apply for and receive federal delegation of the National Pollutant Discharge Elimination System ("NPDES"). NPDES is a water quality program mandated by the federal government that includes permitting, compliance and enforcement activities relating to the discharge of pollutants. This bill would transfer the authority, and also the mandate to fund, federal water quality oversight from the Environmental Protection Agency to the Massachusetts Department of Environmental Protection.

The federal Environmental Protection Agency spends between \$5 and \$10 million annually in Massachusetts administering the NPDES. This bill proposes transferring that responsibility to the Massachusetts Department of Environmental Protection (MassDEP).

Opponents of the bill argue the MassDEP is currently underfunded and has lost 30% of its staff since 2009. It has essentially eliminated testing stream waters for contaminants due to lack of resources. It has also discontinued development of future water pollution control plans. MassDEP is not currently able to take on additional mandates without dedicated funding, and there is no provision in this bill for such funding. This bill would further overburden and, therefore, reduce the effectiveness of the MassDEP by increasing its mandate with no guaranteed funding.

While 46 other states have made this change to state control, 39 of those 46 have petitioned to return control to the EPA, and have been denied.

League position: LWVUS Impact on Issues states that: "Pollution of these (water, air, etc.) resources should be controlled in order to preserve the physical, chemical and biological integrity of eco-systems and to protect public health. The LWVUS has consistently worked for stronger clean water standards and preservation of resources." The LWVMA specifically opposes legislation of any unfunded mandates (1979 position) and has strongly supported protection of water resources and funding for that.