



**Testimony submitted to the Joint Committee on Environment, Natural Resources and
Agriculture
In Opposition to H.2777 An Act to enable the Commonwealth's administration of the
Massachusetts pollutant discharge elimination system
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The federal Environmental Protection Agency spends between \$5 and \$10 million annually in Massachusetts administering the National Pollutant Discharge Elimination System (NPDES). This bill proposes transferring that responsibility to the Massachusetts Department of Environmental Protection (MassDEP). H.2777, submitted by Governor Baker, delegates to the MassDEP all the responsibilities and all the associated costs for compliance with the NPDES. 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.

The League of Women Voters of Massachusetts opposes this bill.

Given the current control of the EPA, it might be argued that state control could be better than federal control, but not without the resources to do the tasks. The annual budget appropriation for the MassDEP is already too small, and this bill makes the additional tasks part of the standard budget line item.

We currently cannot know the total actual costs of taking on this responsibility. We only know the EPA has been spending somewhere between \$5 and \$10 million annually administering NPDES. Another bill before this committee, H.2139, filed by Rep. David Rogers, is supported by LWVMA. That bill would mandate a gap analysis showing where Massachusetts is not in compliance with the goals of the Federal Clean Water Act and the estimated costs of compliance. Without that information, we cannot determine the true costs of this proposed change.

Proponents of H.2777 argue this change of responsibility will streamline the process of applications by businesses and developers, who will need to work with only one agency. If that agency lacks the resources to do its job, however, either due diligence will suffer or permitting will actually slow down. Neither is a desirable outcome.

The League of Women Voters of the United States has, since 1983, supported federal control of resources to preserve the physical, chemical and biological integrity of eco-systems and to protect public health. It has consistently advocated for stronger clean water standards and preservation of resources. Passage of this bill would undermine clean water protections through the possible loss of funding. Since 1979, the LWVMA has specifically opposed legislation of

any unfunded mandates and has strongly supported protection of water resources and funding for that protection.

The LWVMA strongly opposes this bill as written. While 46 other states have made this change to state control, it is important to note that 39 of those 46 have petitioned to return control to the EPA, and have been denied. Please do not add Massachusetts to that list.

Thank you for your consideration.