

Considerations for Adopting NPDES Delegation in Massachusetts



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The Challenge:

How do we maintain our environmental leadership in a resource constrained and politically charged landscape?

Role of the Legislature

- Authorizing legislation
 - Filed 2016 and 2017
 - Joint Committee on Environment, Natural Resources, and Agriculture
- Public Hearing/
Legislative Debate
 - Input from stakeholders
- Funding
- Oversight/ Accountability
- Environmental Leadership



Potential Benefits

- Allows for better coordination among water-related permits.
- Facilitates watershed-based permitting and optimization of limited infrastructure funding.
- Potentially more responsive to local concerns in implementation of new MS4 storm water requirements.
- Leverages strong state-municipal relationships.

Considerations

- MA has already assumed drinking water delegation
- Stormwater is greatest source of pollution to MA waterbodies
- Potential economic impacts
- Current federal lawsuits relative to implementation of MS4

Issues of Concern

Key issues:

- Funding NPDES & DEP
- Discrepancies in resources required
- Water quality standards
- Appeals process



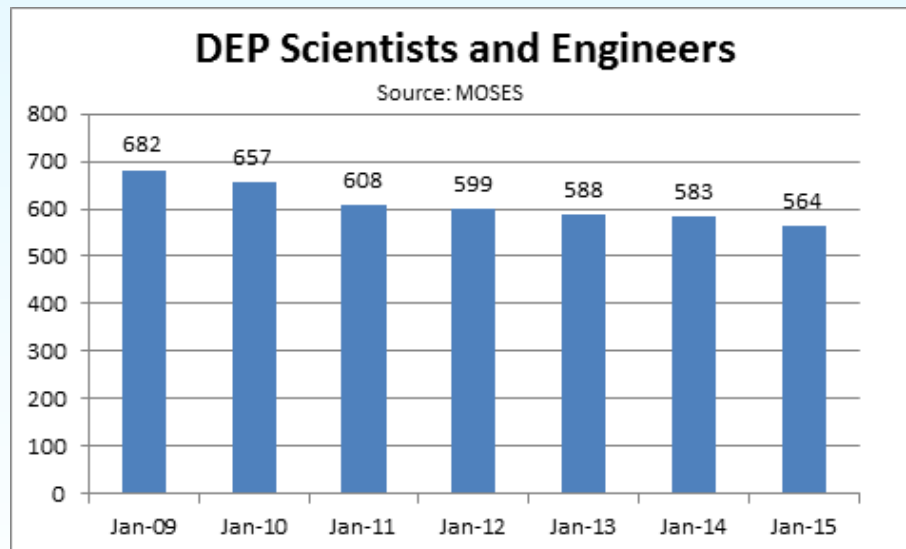
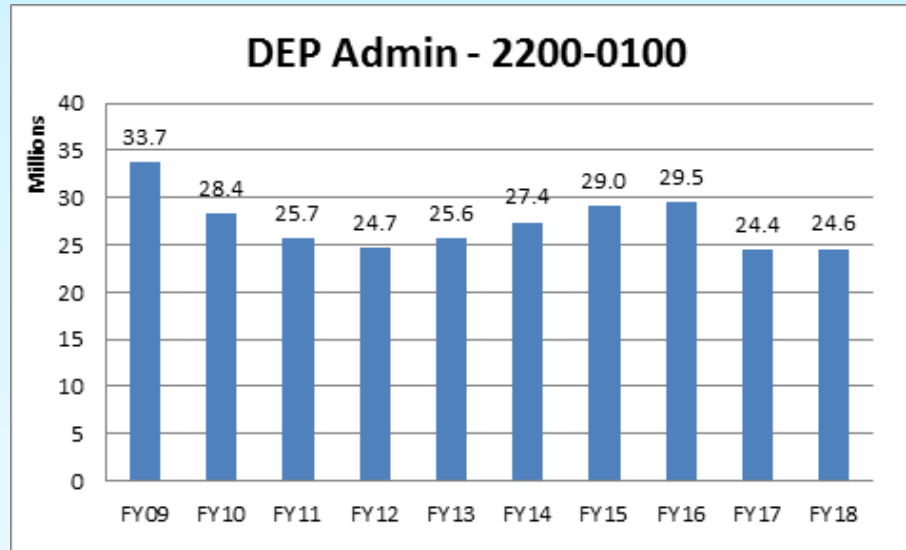
Additional concerns:

- Staffing at DEP
 - Engineers/technical staff
- Benefits to state and municipalities
- Enforcement
- Checks and balances

Funding

- Federal delegation to state requires forgoing EPA funding of NPDES
- New annual state commitment of \$3.2m required
- Trends in state DEP and watershed management funding
 - FY09 to FY18:
 - DEP Admin: - 27%
 - DCR Watershed Management: - 36%
- Funding sustainability
 - Dedicated v. line item

Funding (cont.)



Water Quality Standards

- Clean Water Act requires that standards be set and that permits be written to meet standards
- Safeguards to political influence

Standards in Permitting:

Surface Water
Quality Standards
(SWQS)



NPDES permit writing



Total Maximum
Daily Loads (TMDLs)

Before delegation:

DEP w/ EPA
approval

EPA

DEP w/ EPA
approval

After delegation:

= DEP w/ EPA
approval

DEP

? DEP w/ EPA
approval