



Massachusetts Association of Conservation Commissions

protecting wetlands, open space and biological diversity through education and advocacy

October 10, 2017

Via Electronic Mail

The Honorable Anne M. Gobi, Senate Chair
The Honorable Wm. Smitty Pignatelli, House Chair
Joint Committee on Environment, Natural Resources, and Agriculture
State House
24 Beacon Street
Boston, MA 02133

Re: **House Bill 2777**, An Act to enable the Commonwealth's administration of the Massachusetts Pollutant Discharge Elimination System

Dear Chairwoman Gobi, Chairman Pignatelli, and Committee Members:

The Massachusetts Association of Conservation Commissions (MACC) is the non-profit association supporting more than 3,000 conservation commission and other environmental professional members across the Commonwealth. Our association protects Massachusetts' natural resources through education and advocacy efforts.

MACC works collaboratively with government agencies, non-profit organizations, volunteers, and conservation commissions to achieve our environmental protection mission. We work closely with the Massachusetts Department of Environmental Protection (MassDEP) to strengthen the implementation of the Wetlands Protection Act to aid conservation commissions in their efforts to protect the environment. The Clean Water Act and the National Pollutant Discharge Elimination System (NPDES) program regulate facilities that discharge pollutants into all waters of the United States, including most wetlands. Clean water is imperative for healthy wetlands and ecosystems in Massachusetts and throughout the United States.

MACC strongly supports more sustained and robust funding for all of MassDEP's programs.

MACC is concerned with cuts to MassDEP's budgets in recent years, and with approximately 655 full time employees (down from more than 1,100 employees in 2000), the agency is at one of its lowest staffing levels in more than 10 years (Boston Globe, March 9, 2017, "*Mass is enforcing its environmental rules less*"). The reduced funding is impacting all program areas at MassDEP, and is an issue that would not be fixed with the NPDES program delegation.

Although MACC supports MassDEP's goal of implementing the NPDES program if there were an adequate and sustainable funding source, due to long-term funding concerns, **MACC believes that House Bill 2777 should not move forward at this time.**

- **Delegation is essentially permanent.** Once delegation is approved, the NPDES program would have to be fully implemented with nearly 100% state funds. Only minimal EPA grant funds would likely be available.

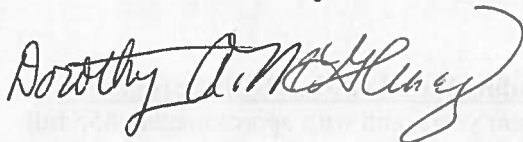
- **Long-term NPDES budgets to MassDEP are in doubt.** According to the July 1, 2013 “*Massachusetts Department of Environmental Protection Report to the General Court of the Commonwealth on the Topic of NPDES Authorization*”, the administration of the NPDES program would cost approximately \$9 to \$10 Million per year. Currently, the Governor’s budget has less than \$5 Million for NPDES implementation in the first year. Without dedicated, sustained, long-term NPDES program funding, MACC believes this program would, at best, struggle to be fully and capably implemented.
- **The funding proposed for NPDES program would be vulnerable to future budget cuts.** Delegation would cost the state millions of dollars each year and require the hiring of dozens of staff to administer the program. If there is that amount of funding available for MassDEP, we believe the funding and staffing should be increased for MassDEP’s existing environmental programs that currently are significantly underfunded, not used for a federal program that is administered by EPA at no cost to the state.

We are also concerned, based on past practices, that when there is another recession, there would be further reductions in state environmental spending. Then, the state NPDES program would be forced to transfer funds from other programs to continue to meet federal requirements. A former federal official has told us that during bad economic times, states with NPDES delegation often reduce funding of the delegated program, reducing the effectiveness of the program. We should not replicate that problem in Massachusetts.

The legislature should not authorize MassDEP to take over a federal program at this time without creating a dedicated, long-term source of funding for the program that will be secure through both good and bad economic times.

We respectfully recommend that the Joint Committee for the Environment, Natural Resources, and Agriculture vote against H.2777. If you have any questions, please contact our office at (617) 489-3930. Thank you for the opportunity to provide comments on this bill.

Sincerely,
Massachusetts Association of Conservation Commissions



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