



October 10, 2017

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

Andrew Gottlieb
Executive Director

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Joint Committee on Environment, Natural Resources and Agriculture
Room 473F, State House
Boston, MA 02133

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RE: *An Act to Enable the Commonwealth's Administration of the Massachusetts Pollutant Discharge Elimination System (H.2777)*

Maureen O'Shea
Clerk

Dear Chairwoman Gobi and Chairman Pignatelli:

Elliott Carr

Robert Ciolek

The Association to Preserve Cape Cod (APCC) writes in opposition to H.2777, *An Act to Enable the Commonwealth's Administration of the Massachusetts Pollutant Discharge Elimination System*.

Michael Corrigan

DeeDee Holt

Thomas Huettner

Founded in 1968, APCC is the Cape Cod region's leading nonprofit environment advocacy and education organization, working for the adoption of laws, policies and programs that protect and enhance Cape Cod's natural resources and quality of life. Much of APCC's efforts focus on the protection of the Cape's water resources, and in that pursuit, we have worked diligently to ensure that the proper regulatory and permitting frameworks are set in place to effectively safeguard those resources. We believe transferring delegation of the National Pollutant Discharge Elimination System from the EPA to MassDEP is not in the best interests of efforts to protect and improve the quality of the Commonwealth's water resources.

Pat Hughes

Cheryl Lubin

Blue Magruder

Eliza McClennen

Donald Palladino

Kris Ramsay

Under existing circumstances, MassDEP is woefully understaffed and does not have the funding or the personnel to adequately assume primacy of the NPDES program. Governor Baker's proposal to fund the program by dedicating \$3.2 million for MassDEP staff plus \$1.5 million for contractors falls far short of the \$9-10 million actually needed, according to MassDEP's own assessment from 2013. Given the Commonwealth's current budgetary constraints, there is no guarantee that additional funding would be provided to fill the gap, and there is the reasonable potential that MassDEP could suffer even further budget cuts if the state's financial difficulties continue.

The unfortunate reality is that MassDEP is failing to keep up with its current program obligations for permitting, monitoring and enforcement. Adding the extra burden of assuming primacy of the NPDES program to these already unsustainable conditions at MassDEP will without doubt result in the degradation of Massachusetts' water quality.

There is every expectation that, taking the long view, the EPA will continue to act as a good steward of our water resources, as it has done for the past five decades. However, if

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Massachusetts were to give serious consideration to the idea of assuming primacy of the NPDES program, there should first be significant increases in state funding for MassDEP and demonstrated improvements in the agency's capacity to execute its current programs effectively and in a timely manner. If those priority objectives are achieved, delegation of the NPDES program to MassDEP must then be accompanied by its own dedicated—and durable—funding source of sufficient size to guarantee that the costs of administering the program are fully covered.

For the reasons outlined above, APCC recommends that H.2777 should not pass.

APCC thanks the chairs and the members of the Joint Committee on the Environment, Natural Resources and Agriculture for your attention to this issue and your consideration of this written testimony.

Sincerely,



Andrew Gottlieb
Executive Director

cc: Sen. Julian Cyr
Sen. Viriato deMacedo
Rep. Sarah Peake
Rep. Timothy Whelan
Rep. William Crocker
Rep. David Vieira
Rep. Dylan Fernandes
Rep. Randy Hunt