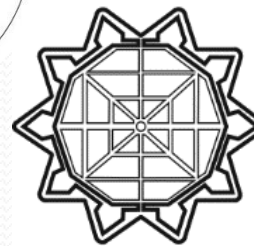


# The Pursuit of NPDES Authorization in Massachusetts: a Status Update

NEIWPCCC Webinar  
Thursday, October 05, 2017  
3:30 p.m.

# Thank You Sponsors!



**Massachusetts  
Municipal  
Association**

# Today's Agenda

- NEIWPCC Background – Ben Smith, NEIWPCC
- Beth Card – Deputy Commissioner, MassDEP
- Philip Guerin – President, Massachusetts Coalition for Water Resources Stewardship
- Questions & Answers



# Who is NEIWPCC

- NEIWPCC serves our member states individually and collectively by providing coordination, public education, research, training, and leadership in environmental management and protection.
- NEIWPCC also has several workgroups that are organized around many topics such as nonpoint source pollution, stormwater, wetlands, and NPDES.

# NPDES Authorization in Massachusetts

October 2017

# What is NPDES?

- National Pollutant Discharge Elimination System
- Established by the Clean Water Act
- Regulates point sources that discharge pollutants to waters of the U.S. and requires permits for those sources
- EPA can administer the program in a state or authorize states to administer their own programs
- Vast majority of states have received authorization



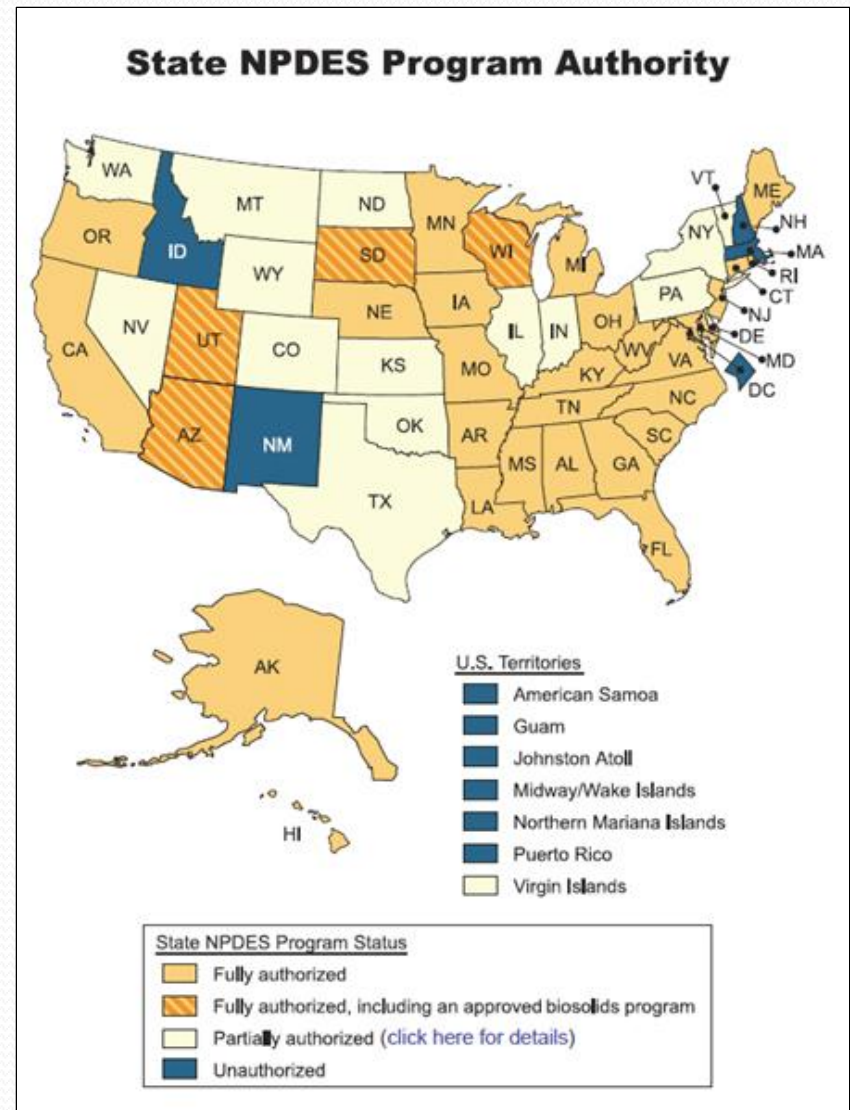
# What types of discharges does NPDES cover?

- Municipal wastewater treatment plants
- Industrial discharges
- Stormwater
  - Municipal
  - Industrial



# State Authorization

- 46 states with authorized NPDES programs
- 4 states without authorization
  - Idaho has submitted application for authorization (2017)
  - **Massachusetts in early stages of pursuing authorization**
  - New Hampshire and New Mexico not currently pursuing authorization







# Why pursue NPDES authorization in Massachusetts?

- MassDEP has strong track record in administering other federally delegated programs
- Increased flexibility for use of Integrated Water Management
- Improved understanding of water quality through enhanced water quality monitoring and assessment program
- Opportunity to more closely engage with communities and other permittees

# H.2777 An Act to Enable the Commonwealth's Administration of the Mass. Pollutant Discharge Elimination System

- Amends the Mass. Clean Waters Act to be consistent with federal law
- Authorizes MassDEP to apply to EPA for NPDES authorization
- Must pass to allow MassDEP to proceed with NPDES authorization
- Part of multi-step, multi-year process to receive program authorization from EPA
- ENRA Hearing: Tentatively Tues 10/10/17 (1:00 pm)

# What will a Massachusetts NPDES program look like?



# Massachusetts Permit Universe

- 230 individual permittees
  - 58% municipal, 42% industrial
  - >50% of permits continued past expiration date
- 2000+ general permittees
  - ~250 are MS4 communities
  - GPs for construction, dewatering, hydroelectric, industrial stormwater, non-contact cooling water, pesticides, remediation, potable water treatment, small POTW

# Program Funding & Staffing

- \$4.7 million new state general fund appropriation
- Maintain current fees for non-municipal dischargers
- Maintain existing federal funding
- 40 new staff
  - Permit writing
  - Compliance & enforcement
  - WQS, monitoring, assessment, TMDLs
  - QA/QC and data management
  - Legal support
- Adds to 27 existing staff in these programs



# Contractual support

- \$1.5 million new funding (part of the \$4.7 million)
- Watershed organizations, academic institutions, technical consultants
- Technical assistance
- Water quality monitoring
- Laboratory support
- TMDLs



# Key Program Components

- Water Quality Science
  - Water quality monitoring and assessment, water quality standards, TMDLs
- Permitting
  - Base on sound science, develop in coordination with permittees, maintain on timely basis
- Technical Assistance
  - Regular engagement with permittees on key topics
- Compliance & Enforcement
  - Regular compliance inspections, timely enforcement as needed

# Opportunities for Efficiencies

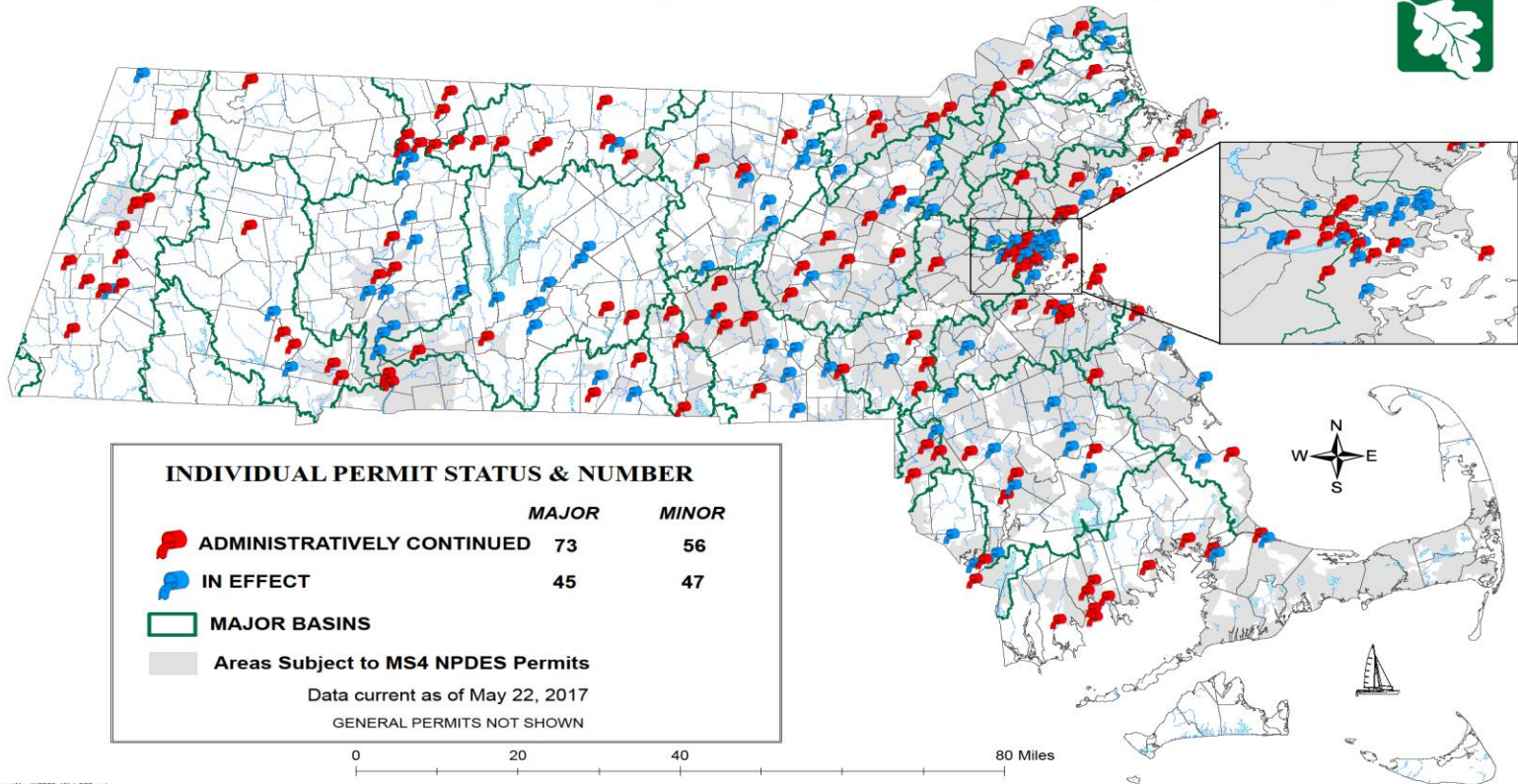
- One permitting authority instead of two
- Issue permits on watershed basis
- Increased use of general permits where appropriate
- Continued evaluation of program to identify additional opportunities

# Where do we go from here?

- Outreach to legislators and stakeholders
- Passage of legislation (H2777 Hearing: Tentatively Tues. 10/10/17 at 1:00 pm)
- DEP On-going Activities:
  - Water Quality Program investments and updates
  - Develop application to EPA
  - Outreach to stakeholders
  - Periodic meetings with EPA
- Submit application to EPA
- Upon approval, begin phased transition of program to DEP

# NPDES Permits State Wide

## National Pollutant Discharge Elimination System (NPDES)





# Contact Information

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# NPDES Delegation for Massachusetts

Why municipalities should support this initiative

Presented by  
Philip D. Guerin  
President  
Massachusetts Coalition for Water Resources Stewardship

NEIWPCC Webinar  
in conjunction with NEWEA and MWPCA  
October 5, 2017

# Why Doesn't Massachusetts Have Delegation?

- 14<sup>th</sup> most populous state in the nation
- \$39 billion annual budget
- Has successfully taken on drinking water, air pollution, waste site clean-up programs and more
- For a State that prides itself on its environmental record it makes no sense to have the federal government administer this cornerstone environmental program
- It has never made sense for Massachusetts to not have NPDES delegation

# Why Doesn't Massachusetts Have Delegation?

- Being one of four states without delegation should not be a source of pride or an indication of leadership
- **Massachusetts is an outlier, not a leader**
- There is no logical reason for Massachusetts to not have NPDES delegation

# How Well is the Current NPDES Program Working?

- If it ain't broken, don't fix it.
- Current NPDES program is broken (badly)
  - Permits years or even decades behind
  - New permits continually lead to appeals and litigation from all sides
  - Real environmental progress is halted while compliance costs are often exorbitant
  - State and Federal agencies often at odds
  - Real progress under the CWA ended when Federal funding was eliminated



# Can MassDEP Do Better?

- MassDEP proven capability to manage federal programs
  - Safe Drinking Water Act
  - Clean Air Act
- MassDEP is no pushover
- Better support of integrated water resources planning
- Better coordination between water quality assessments, water quality standards and permits
- More consistency between NPDES permit requirements and other state programs and initiatives

# What's In It For Municipalities?

- Better science on local waters to support permit conditions
- Improved communications between regulators and regulated
- Advance integrated planning
- Increased opportunities to address and correct flaws in the system
- A chance to change the current relationship from antagonistic to cooperative

# An Opportunity to Improve the System

- Success is dependent on
  - cooperation
  - communication
  - reasonable goals and expectations
  - financial resources being considered
  - solutions oriented approach
  - commitment to make it work



**RESET**

# Local Waters-Local Permitting

Support Massachusetts NPDES Delegation

Contact Phil Guerin at

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508-929-1300 x2109

# Resources

- Visit the NEIWPCC website for more information on our work throughout New England & New York
  - [www.neiwpcc.org](http://www.neiwpcc.org)
- Visit the Massachusetts Department of Environmental Protection website for more NPDES news
  - [www.mass.gov/orgs/massachusetts-department-of-environmental-protection](http://www.mass.gov/orgs/massachusetts-department-of-environmental-protection)
- Please feel free to contact:
  - Ben Smith, NEIWPCC: [bsmith@neiwpcc.org](mailto:bsmith@neiwpcc.org)