

An Act to Improve Water Quality and Pollution Control Programs **(H.D. 2348)**

Sponsor: Representative Dave Rogers

NGO supporters: The Nature Conservancy and the Massachusetts Rivers Alliance

Summary

The legislation would require the Massachusetts Water Resources Commission (WRC) to *conduct a gap analysis* of efforts in Massachusetts to meet the goals of healthy waterways under the Federal Clean Water Act. The WRC would also *make recommendations for improvements* to the federal and state water pollution control programs in Massachusetts. (WRC is chaired by the Secretary of Energy and Environmental Affairs, and is comprised of state officials and public members who are responsible for developing, coordinating and overseeing the Commonwealth's water policy and planning activities.)

Gap Analysis

The gap analysis would include a baseline review and analysis of state and federal water quality and pollution control programs for fresh and coastal waters in the Commonwealth. The gap analysis would include the following program components: staff capacity and resource needs; goals and measurements; science, monitoring, and standards; technical assistance, permitting and compliance; and enforcement and appeals.

Recommendations

Based on the findings of the gap analysis WRC would make recommendations for improvements to the programs. Recommendations would include: meeting goals and timelines; providing for innovation and alternatives; improving program components – science, standards, permitting, compliance & enforcement and appeals; identifying sustainable funding sources; implementing a plan; and, fostering stakeholder engagement and transparency.

Legislative History

During last year's legislative session Governor Baker proposed that the U.S. EPA delegate to the MassDEP the management of the National Pollutant Discharge Elimination System. Because MassDEP lacks resources and staff for its current water quality programs, the environmental and conservation community unanimously said: "Fix it First" (before taking on a costly new responsibility currently provided by the federal government). This report would detail what needs to be fixed and how to do it, regardless of whether this program is delegated to the Commonwealth or remains with the EPA. These questions should be answered before the Legislature makes a decision on delegation.

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