



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

March 8, 2016

Senator James M. Inhofe, Chairman
Senate Committee on Environment and Public Works
410 Dirksen Senate Office Bldg.
Washington D.C. 20510-6175

Dear Chairman Inhofe:

Thank you for your letter regarding the Commonwealth of Massachusetts work in complying with federal environmental law requirements.

As your letter notes, MassDEP is responsible for implementing a number of delegated federal programs, including programs under the federal Clean Air Act, the Resource Recovery and Conservation Act, the Toxic Substances Control Act and the Safe Drinking Water Act. With respect to air and climate change related regulations highlighted in your letter, our agency expects to comply with the federally established timelines associated with core activities and address future compliance dates beyond 2016. Annually, we estimate that MassDEP expends over 140,000 hours in implementing Clean Air Act related requirements for these programs.

MassDEP works on an annual basis with EPA Region 1 on Program Performance reviews. Through this process we ensure a common understanding of the work that will be carried out by MassDEP in implementing these and other programs that have been delegated to our state. As we make our commitments to EPA each year, we are also mindful of the fact that federal grant commitments comprise approximately 15% of MassDEP's total budget.

Massachusetts is not currently authorized to administer the National Pollution Discharge Elimination System (NPDES), although MassDEP is convening an effort with its stakeholders to explore and seek delegation of this program. Our experience in other delegated programs is that

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state administration allows for effective engagement between our agency and the regulated community and we look forward to working on the NPDES issue in 2016. This issue is especially significant in Massachusetts as the state awaits EPA's issuance of the "MS4" permit governing stormwater management in over 200 municipalities across the Commonwealth. The issues of cost, administration and implementation of the new permitting requirements will be a topic of ongoing discussion between EPA, MassDEP and the cities and towns who will be required to implement the permit requirements. In the process of commenting on the draft permit, MassDEP has urged careful consideration of municipal issues and a real commitment to technical assistance to the cities and towns on this new permit.

In terms of managing multiple federal regulatory deadlines, Massachusetts has engaged in long term regulatory planning. Recently, Governor Baker issued an Executive Order that directs all state agencies to review their regulations. Part of this periodic evaluation is to ensure that regulatory requirements are necessary to provide for public health and safety and to protect the environment without being unduly burdensome to the regulated community. To the extent that we are able, programs, such as the air quality program, combine multiple rule amendments together to meet federal requirements, and keep our code up to date. We have found that regular review of regulations and our plans to amend them are necessary and appropriate as laws are changed, science and information technology advances, and new and innovative methods of monitoring and achieving environmental results emerge. These regulatory review activities provide important opportunities for continuous improvement.

Thank you for the opportunity to provide input on these important questions and please do not hesitate to contact me if I can provide additional assistance.

Sincerely,


Martin Suuberg
Commissioner



cc: Barbara Boxer, Ranking member
Matthew Beaton, Secretary of Energy and Environmental Affairs