

In its editorial on August 29th entitled *EPA Moratorium*, the WSJ suggests steps that President Obama can immediately take to delay compliance requirements with costly new air quality regulations. The editorial describes the unilateral and unbridled aggressiveness of the EPA to promulgate regulations based on its interpretation of the laws enacted by Congress at a time when a fragile economy needs less and not more regulation. That same editorial message applies to EPA's administration of the Clean Water Act.

The Clean Water Act was passed in 1972 as the nation grappled with the severe degradation of the "waters of the United States," perhaps best embodied by the burning Cuyahoga River in Ohio. Since enacted, this landmark legislation has had a remarkable impact on improving the quality of all waters of the United States. During the first 2 decades of the Act, the EPA partnered with states, counties, cities and towns to improve the water quality discharged from public wastewater treatment plants. Through this partnership projects were built based on cost sharing, cost benefit, good science and value engineering. Much progress was achieved and improvements in water quality were realized almost overnight.

Unfortunately that sense of partnership between the federal, state and local governments has been lost. It has been replaced by a new EPA that has lost touch with their constituents and reality. The new EPA interprets the Clean Water Act to its liking, is seemingly indifferent to the cost of compliance because it no longer has a monetary stake in its mandates and picks and chooses what it deems as acceptable science to guide its decisions. Without a monetary stake in the process, EPA imposes unfunded mandates with impunity on fiscally struggling local governments across the country. Challenging their edicts is severely skewed in the agency's favor to the point that few communities appeal their mandates because they have neither the time nor financial resources.

The Massachusetts Coalition for Water Resources Stewardship is an organization of cities and towns and professional groups in Massachusetts that advocate for reasonableness and cost control as we continue making environmental progress in the communities we represent. We are, in many cases, public officials who have been entrusted to protect the environmental resources of our communities. We recognize the need to preserve our aquatic resources and understand the threats to them. We use validated science to guide us to determine where to spend the public's money. We demand that the improvements undertaken be cost beneficial and we eschew using tax dollars to chase ever diminishing and often dubious environmental returns. We have a keen understanding of where the public's money ought to be spent to meet the greatest needs of our communities. Unfortunately the EPA has lost touch with local needs and priorities or argues that the Clean Water Act does not allow them to consider costs, community priorities, recessions, unemployment, or cost benefit.

EPA's relationship with other levels of government has been severely damaged. Its top down heavy handed style of solving environmental problems with local governments by mandate is an unacceptable approach. For example, cities and towns across the country are now wrestling with EPA's latest Stormwater Permits, which focus on pollution from drainage system discharges. Urbanization produces more stormwater and thus impervious areas like parking lots, buildings, streets and sidewalks all contribute significantly to stormwater runoff. In Massachusetts, it is estimated that the statewide aggregate cost for all communities subject to this

permit to comply will exceed \$21 billion over the next 5 years. Is there anyone in Massachusetts who believes that if the state had a spare \$21 billion that it ought to be spent on stormwater compliance? What is happening in Massachusetts involving stormwater management is happening, or will happen soon, elsewhere in the country.

We agree that this is an appropriate time for EPA to declare a moratorium on new regulations. State and local budgets can ill-afford to comply with new multi-million and sometimes multi-billion dollar mandates at such a critical time. Local government, unlike the federal government, has no capacity to print more money. A moratorium would give all levels of government a time to re-assess the pace at which the environmental challenges need to be addressed given the myriad of other problems facing local government. Moreover, Congress and the President could use the respite to reconsider and review how the agency administers the Clean Water Act and perhaps even amend the Act to reflect the challenges and realities of today. It's time for EPA to step back and consider a return to a holistic approach to administering the Clean Water Act that is sustainable and reasonable.

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