



# MCWRS

## Massachusetts Coalition for Water Resources Stewardship

### About the Coalition

The [Massachusetts Coalition for Water Resources Stewardship \(MCWRS\)](#) is a nonprofit organization committed to promoting watershed-based policies and regulations that effectively manage and conserve water resources.

MCWRS is unique in its focus on protecting municipalities' interests in an ever changing regulatory environment. We promote using scientifically based and fiscally responsible approaches to realize environmental and community goals.

Members include municipalities; public agencies that transport and treat drinking water, wastewater and stormwater; quasi-government agencies; and private organizations whose members are committed to the principles of stewardship and sustainability in protecting the environment and public health. Invite your colleagues to visit the [Coalition website](#) for membership information.

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Dear Joseph,

The [Massachusetts Coalition for Water Resources Stewardship](#) (MCWRS) has **jointly filed a Petition for Review of the Final Massachusetts Small Municipal Separate Storm Sewer General Permit (MS4) in the First Circuit of the United States Court of Appeals** in Boston with the [Town of Franklin](#)!

The [Final Permit](#) was issued by the U.S. Environmental Protection Agency (EPA), Region 1, and co-signed by the Massachusetts Department of Environmental Protection, on April 4, 2016, and takes effect on July 1, 2017. The MS4 permit regulates municipal stormwater discharges under the federal Clean Water Act (CWA) through the National Pollutant Discharge Elimination System (NPDES) program.

At issue in the appeal is the standard EPA seeks to apply to discharges from municipal storm sewers, which collect rainfall from streets, buildings, and developed areas. MCWRS, Franklin, and numerous municipalities supporting the appeal contend that certain permit conditions exceed EPA's authority under the CWA. They go far beyond what Congress ever intended EPA might do to regulate municipal stormwater discharges. The MS4 permit applies to over 260 Massachusetts communities. The costs for communities to meet these new water quality standards vary widely, with independent estimates ranging from \$260,000 to \$750,000 annually for some medium-sized municipalities.

Permits issued under the NPDES program are first released as a draft subject to a public comment period. The Massachusetts MS4 Draft General Permit generated over [1,300 individual comments](#) by more than 150 entities, many of them municipalities impacted by the MS4 permit. EPA made some revisions in the final permit, but did not adequately address key issues raised by many municipal interests. The only process to address contentious matters contained in a final NPDES permit is through the courts. MCWRS and the Town of Franklin have thus filed the Petition for Review of the MS4 permit with the First Circuit Court with the expectation that the Court's interpretation of the municipal stormwater provisions of the CWA will be consistent with that of Massachusetts' municipalities. The use of the courts to challenge EPA actions is a step frequently employed by environmental advocacy groups in Massachusetts and across the country. This action by MCWRS and the Town of Franklin is very much in keeping with that practice.

For more information, please visit the Coalition's website at [www.mcwrs.org](http://www.mcwrs.org) or contact Kate Barrett at [617-357-5772](tel:617-357-5772) x12 or [kbarrett@mcwrs.org](mailto:kbarrett@mcwrs.org).