

# Regulatory Advocacy for Water and Wastewater Utilities

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# Overview

- What is MCWRS?
- Why do we need to advocate for water and wastewater utilities?
- What are the challenges confronting municipal advocacy efforts?
- Tools and Strategies for successful advocacy
- The Massachusetts MS4 General Permit Appeal as a case study

# Introducing the Massachusetts Coalition for Water Resources Stewardship (MCWRS)

- A Massachusetts 501(c)(4) non-profit organization
- Formed in 2008
- Governed by Elected Board of Directors
- Formed out of frustration with regulations and permit conditions that disregarded the costs and the realities of managing municipal water infrastructure

# MCWRS Mission Statement

- 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, 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.

# Why Advocate for Water and Wastewater Utilities?

- Working behind the scenes, out of sight and out of mind is a thing of the past
- Generally viewed as part of government, which more and more people loathe, just because...
- Ratepayers don't want to pay more (or at all) for water, wastewater and stormwater services
- Environmental advocates blame us for what they view as damaged natural resources and want us to fix all the problems regardless of costs

# Why Advocate for Water and Wastewater Utilities?

- Too many elected officials strive to make everyone happy while hoping to avoid making tough decisions
- Environmental regulatory agencies answer to elected officials and may succumb to pressure from environmental advocates
- Water and wastewater utilities exist to provide services for their communities and face the conundrum of trying to balance system needs with the financial health of the community they serve

# Why Advocate for Water and Wastewater Utilities?

Water  
and  
Wastewater  
Utilities



Phosphorus  
Low streamflow  
Impaired waters  
Main breaks  
Climate Change  
Flooding  
Aluminum  
SSOs



# Why Advocate for Water and Wastewater Utilities?

**FIX IT ALL NOW!**

*(But don't spend any money)*



# Why Advocate for Water and Wastewater Utilities?

- Advocacy Is Not Just About Pushing Back on Regulations and Permits
  - Support MassDEP NPDES Delegation because it is good for municipalities
  - Support legislation to enhance funding of water, wastewater and stormwater projects
  - Will support efforts that assist municipalities in the management of water infrastructure

# Challenges to Effective Advocacy

- Go it alone rather than a joint effort
- Don't understand the problem and its effects until it is too late
- Don't know the rules
- Don't have the time or manpower to get involved
- Decisions made at a higher level
- Stay under the radar

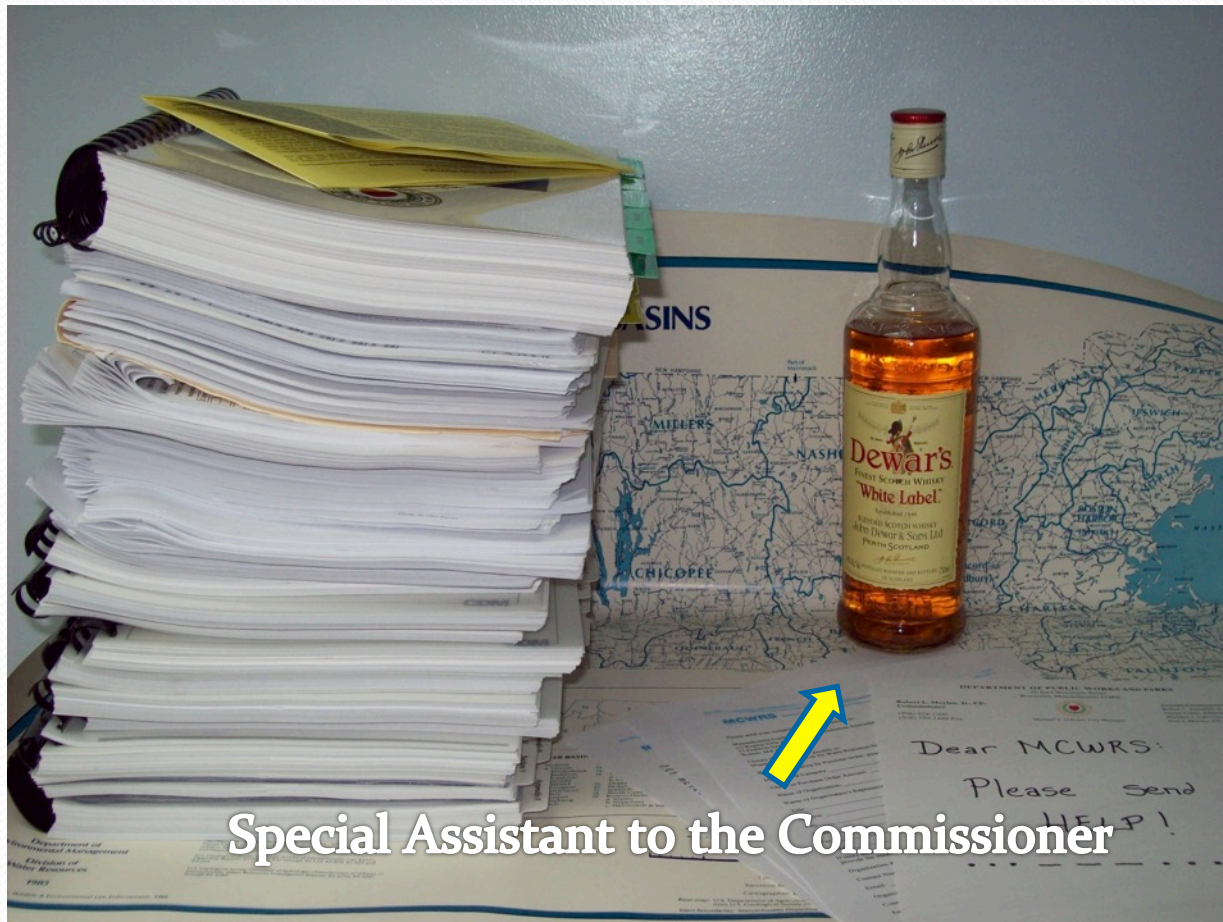
# Challenges to Effective Advocacy

- Environmental Advocates most frequent opponent
  - Organized
  - Strategic
  - Simple, Consistent Message
  - United Front
  - Ability to openly criticize legislators makes them a feared, powerful political force
  - Not burdened with implementing permits or regulations-can focus on advancing their agenda

# Tools and Strategies

- Education
- Information Sharing
- Get Others Involved
- Clear and Consistent Messaging
- Use Social Media

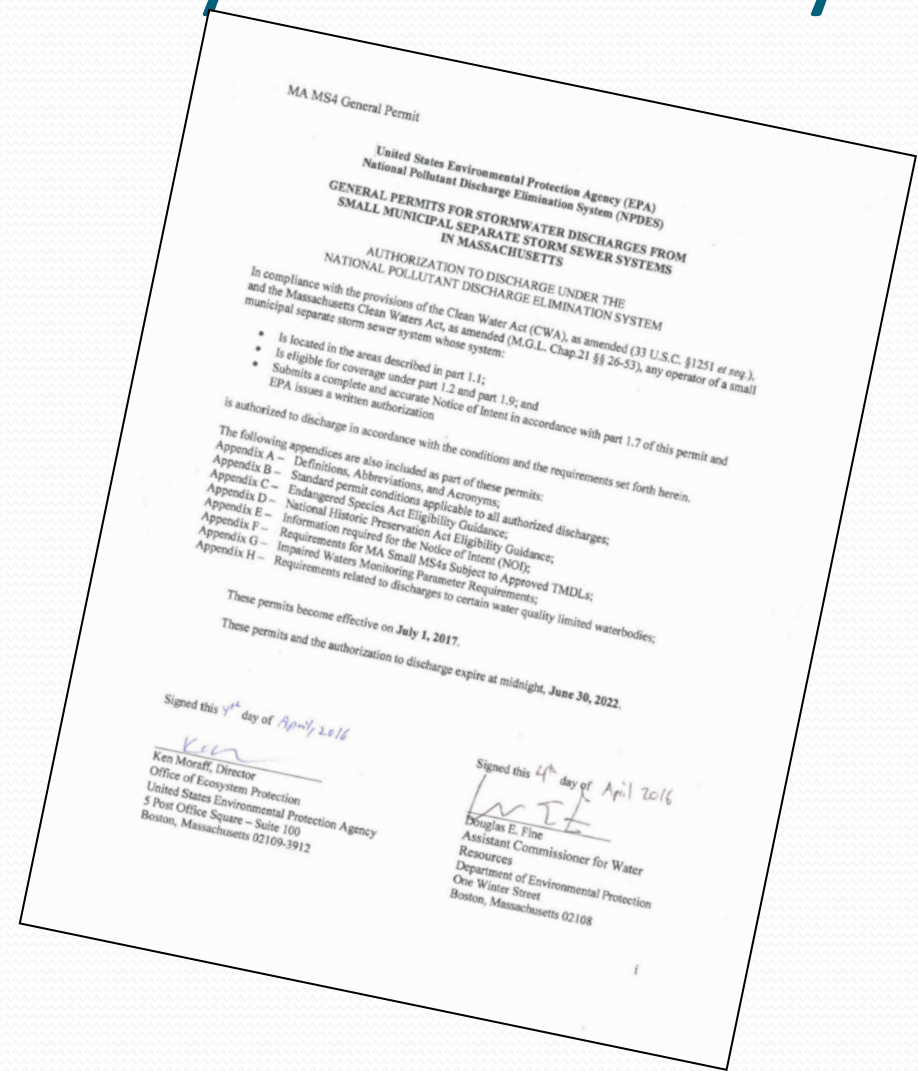
# Another Useful Tool



Special Assistant to the Commissioner

# The Massachusetts M\$4 General Permit – A Case Study in Advocacy

- Draft Permit (3<sup>rd</sup> attempt) issued September 30, 2014
- Impacts all or part of 260 municipalities
- Get word out that comments are needed, provide template and key points
- Over 150 comment letters received by EPA by February 27, 2015



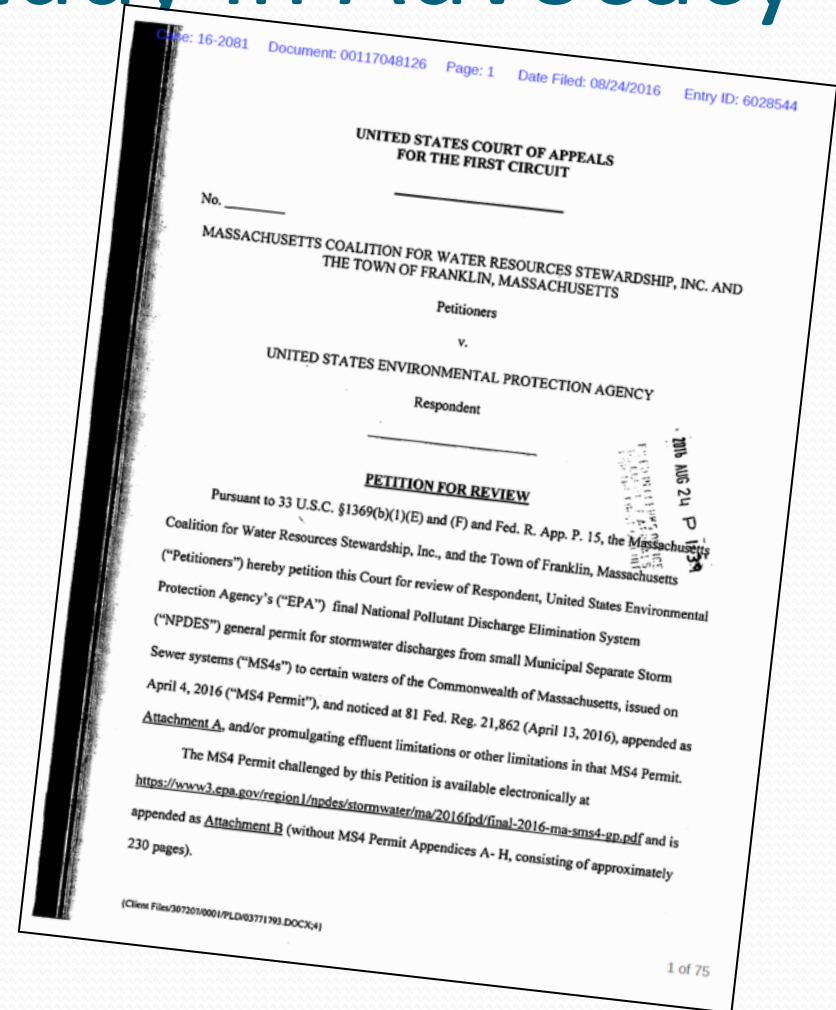






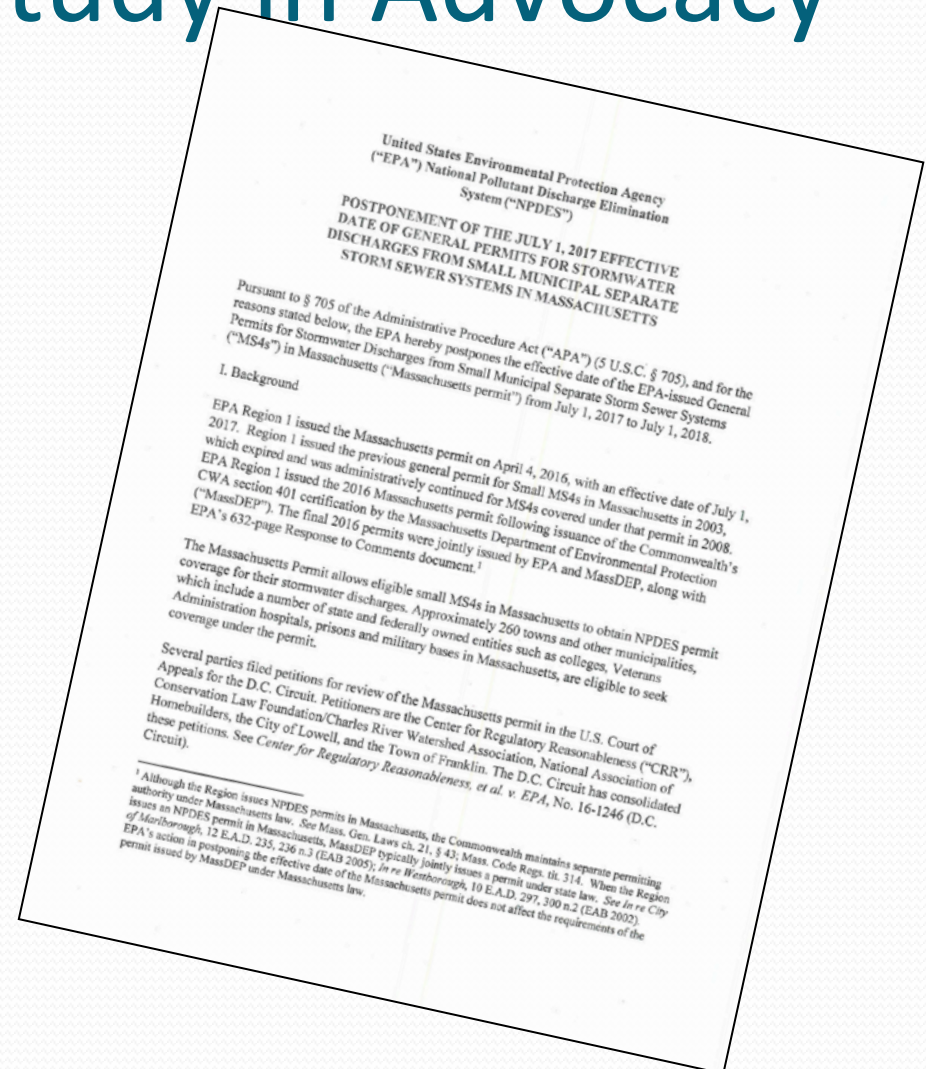
# The Massachusetts M\$4 General Permit – A Case Study in Advocacy

- EPA suggests mediation in attempt to resolve issues and avoid litigation
- Mediator appointed in fall 2017 and all parties agree to participate
- Mediation proceeds this winter/spring...then what?
  - Resolution?
  - Litigation?
  - Future Permit Postponement?



# The Massachusetts M\$4 General Permit – A Case Study in Advocacy

- The Sideshow
  - MA Rivers Alliance sues EPA to overturn postponement
  - Boston Globe weighs in denouncing appeal and postponement
  - MA AG sides with Rivers Alliance filing Amicus Brief on postponement suit



# Conclusion

- Water and Wastewater Utilities need help in telling their story
- Balancing the discussion on water resources issues requires strategic thinking and a team approach
- Working together and delivering a consistent message is critical
- Advocacy has to be a continuing effort
- Pay attention, learn the rules, get involved and ...

Keep the Special Assistant to the Commissioner nearby!

Questions??

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