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MWRA Advisory Board Retains Beveridge & Diamond for NPDES Permit Challenges

BOSTON, MA, June 28, 2022 – The MWRA Advisory Board has selected Beveridge & Diamond as special counsel to assist with matters related to the MWRA’s forthcoming National Pollutant Discharge Elimination System (NPDES) permits for the Clinton Wastewater Treatment Plant and the Deer Island Wastewater Treatment Plant.

“We have been increasingly concerned with the language included in recent EPA Region 1 NPDES permits naming communities as co-permittees,” stated Executive Director Joe Favaloro. “Naming MWRA communities as co-permittees on the MWRA’s permits could fundamentally change the delicately balanced relationship between the MWRA and its member communities. Once we saw this language included in the NPDES permit for the Clinton Treatment Facility, we knew it was time to push back.”

The MWRA provides wholesale sewer services to forty-three communities in the greater Boston area, which then makes its way to Deer Island for treatment.

“If EPA includes the current language from the Clinton permit in the Deer Island permit, there could be far-reaching and unintended consequences,” said Advisory Board Chairman Lou Taverna. “Most important to the Advisory Board and its member communities is to ensure that the MWRA never becomes a regulator of its communities, and we believe that Beveridge & Diamond will put us in a position to achieve this goal.”

Established by the Legislature in the same legislation that created the MWRA, the mission of the MWRA Advisory Board is to be the voice of communities within the MWRA system. Over the years, the Advisory Board has saved communities and ratepayers billions of dollars by fulfilling its statutory role as the MWRA’s “fiscal watchdog.”

EPA Region 1 has included language naming fifty-five communities as co-permittees in thirty-nine permits to date; however, the largest number of communities on any of these existing permits is five. “Forty-three is not five. The MWRA is a unique entity and deserves a unique permit tailored to their specific situation,” asserted Mr. Favaloro. “While we are hopeful to find some middle ground that addresses our concerns, we are willing to take this as far as needed to protect our communities’ interests.”

Beveridge & Diamond is a nationally recognized, top-ranked environmental and litigation law firm with a Massachusetts office in Boston. Its lawyers have been representing municipalities in CWA cases since the 1970s. Members of the team representing the Advisory Board recently argued San Francisco’s 9th Circuit appeal on its NPDES permit and have considerable experience representing public agencies in Clean Water Act permitting and enforcement matters.

“We appreciate the trust that the Advisory Board has placed in our firm, and we are committed to getting the MWRA Advisory Board and its members an efficient and effective resolution to the concerning issues posed by



the co-permittee language proposed by EPA,” said Marc Goldstein, Managing Principal of B&D’s Boston Office. “We look forward to working with all the constituencies to arrive at a fair and appropriate resolution of these issues.”

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If you would like more information about this topic, please call Matthew Romero at 617-788-2054, or email matthew.romero@mwraadvisoryboard.com