

March 1, 2006

Stephen R. Pritchard, Secretary  
Executive Office of Environmental Affairs  
100 Cambridge Street, 9<sup>th</sup> Floor  
Boston, MA 02114

***Re: MWRA's proposed sale of water***

Dear Secretary Pritchard:

As members of the Massachusetts environmental community concerned with the health of water resources, fisheries and aquatic habitat throughout the Commonwealth, we wish to thank you as Chairman of the MWRA's Board of Directors for insisting on careful consideration of the ramifications of marketing water to communities outside the MWRA service area. As you recognize, the MWRA's proposal will have long-term environmental consequences as well as financial implications. This is a matter of great public import involving a precious public trust asset, which requires balanced, careful review and input from a broad array of stakeholders.

We ask that you require the MWRA to perform a comprehensive analysis of the myriad environmental issues its proposal raises and to give these issues full public airing through the Massachusetts Environmental Policy Act (MEPA) process. While we understand that MWRA staff have identified how selling more water to more communities may benefit the Authority's current financial situation in the short term, it is very important to present an honest assessment, both positive and negative, of potential environmental impacts not just in the donor basins, but also for eastern Massachusetts, and to proffer solutions that will avoid or mitigate adverse impacts. The MWRA's studies, analyses and conclusions and their underlying data should be subjected to public scrutiny; this can only serve to enhance the Authority's credibility.

If the MWRA is allowed to solicit sales under the current regulatory framework, and without strong environmental criteria or considerations, it will conflict with the 2004 Massachusetts Water Policy and related environmental policies and initiatives. The Water Policy "sets out a blueprint that cuts across all aspects of water policy" and it is an important component of the EOE's Smart Conservation and the State's Smart Growth strategies.<sup>1</sup> We note that the MWRA was a member of the Water Policy Task Force that developed the Policy adopted just fifteen months ago.

---

<sup>1</sup> The large scale cumulative interbasin transfer anticipated in the MWRA's proposal runs counter to four tenets of the Commonwealth's Sustainable Sustainable Development Principles: Be Fair, Restore and Enhance the Environment, Conserve Natural Resources, and Plan Regionally.

Core principles of the Water Policy are to “keep water local and seek to have municipalities live within their water budgets by addressing issues from a watershed perspective;” to “protect and restore fish and wildlife habitat;” and to “promote development strategies consistent with sustainable water resource management.” Recommendation 6 stresses “development of a policy on preferred methods of meeting water supply demands that establishes conservation as the first source, followed by recharge and reuse of water” and “options that may have the smallest environmental impact.”

Ascertaining the true safe yield of the MWRA system and the ability to maintain it throughout a severe drought is obviously critical given that the differential between the safe yield and the future needs of the Authority’s existing user-communities is the basis for deciding how much water is available to sell without endangering the system’s reliability and sustainability. It is equally important that reliance on diversions from the Ware River be reduced and downstream releases to the Swift and Nashua Rivers be increased *before* any additional exports of water from the Quabbin and Wachusett watersheds are authorized. This is necessary to ensure that EOEA’s top water resource protection objective: to “protect and restore the natural flows of our rivers,” is met. MWRA has an obligation as well to restore and protect the ecosystem health of the donor basin’s rivers.

Nor will selling more MWRA water benefit the environment in either the donor or the receiving basins without changes to the regulatory framework and current practices. The MWRA’s own enabling legislation and admission policy, OP.10, require that no existing or potential water source for the community be abandoned and that the applicant continue to use all local non-MWRA sources of water to the maximum extent feasible upon admission. It should be expected that use of local sources will not decrease, particularly in light of the high price of MWRA water, which even now is spurring a number of communities to reduce their reliance on the MWRA. In some cases the use of local sources may even increase because MWRA water will facilitate development as the experience in Stoughton has shown.<sup>2</sup> This, in turn, may lead to further degradation of adjacent streams, rivers, lakes, ponds, and wetlands where wells are typically located.

There is no question that many communities seeking to purchase MWRA water will do so in order to meet peak summertime demand -- demand that is driven in large part by lawn watering. The Department of Environmental Protection (DEP) through its revised water withdrawal permits has been working to reduce nonessential outdoor use and to improve streamflow and habitat. DEP recognizes that the balance required under the Water Management Act among competing water uses has been skewed to the water supply side to the detriment of instream uses, such as fisheries and recreation. As towns are required to ratchet back their summertime use, they will increasingly look to MWRA to fill this void.

---

<sup>2</sup> From an economic perspective, because MWRA water is more expensive, towns will continue to utilize their local sources to the maximum extent and merely supplement with MWRA water.

Rather than taking the potentially unpopular actions necessary to reduce summertime outdoor water demand, a number of more affluent communities will opt to purchase MWRA water. The MWRA's proposal will undercut local water conservation,<sup>3</sup> and also delay infrastructure improvements necessary to get water back in the ground locally, another key objective of the Water Policy. The commitment to water conservation and sustainable water resources is necessary by leaders at all levels of government. Promoting water sales to generate revenue stands state water policy on its head and sends precisely the wrong message to communities that are working to meet DEP's conservation performance standards in their permits.

The question of which communities would get water raises planning, fairness and equity issues. Secondary impacts from the import of MWRA water into each and every community and to the entire region must be critically evaluated and incorporated into local and regional planning. For instance, on what basis will the MWRA decide which communities should get water? How will the availability of additional water influence communities' decisions about sustainable development, resource protection, affordable and market-rate housing, and transportation? And who will decide which communities should get tax revenue through newly enabled commercial or industrial growth? A "first come first served" approach cannot lead to reasoned decision-making, nor result in long-term benefit. The proposal under discussion has the potential to de-water rivers, destroy aquatic habitat, and promote waste and sprawl in both the donor and receiving basins.

While it is the policy for expansion of the MWRA water service to strive for "no negative impact on the environment, or on the interests of the watershed communities," this is not the same as achieving a positive impact. We believe that the goal here should be a net positive benefit to the environment and on the watershed communities. Before the sale of additional water goes forward, the MWRA should develop standards and criteria, including water efficiency requirements, which are objective and explicit, further the state's water policies and benefit the environment.

Pursuant to G.L. c. 30, § 61, "All agencies . . . and authorities of the commonwealth shall review, evaluate and determine the impact on the natural environment of all works, projects or activities conducted by them and shall use all practical means and measures to minimize damage to the environment." The MWRA's proposal falls squarely within the statute's purview and the MEPA regulations and we call on you to require comprehensive MEPA review of any decision by the MWRA to promote the sale of additional water. This cannot replace the MEPA review that individual communities seeking to buy water will be required to undergo, or the interbasin transfer determination necessary for each transfer. However, it provides an essential "macro" scale examination of environmental harm and secondary impacts, the alternatives, and the proposed mitigation measures for

---

<sup>3</sup> While MWRA requires a conservation plan from new communities, it expressly disavows enforcement, instead explicitly stating that enforcement is the responsibility of the Water Resources Authority, the Department or other agencies. OP.10. Both the MWRA and its Advisory Board opposed many aspects of the draft state water conservation standards, including the 65-gallon per capita day residential standard in high and medium stressed basins.

the donor basins and receiving watersheds of the Commonwealth. We urge you to demand the analyses, planning, environmental benefit and public discourse that are clearly called for by the MWRA's proposal and we look forward to discussing these issues further with you.

Sincerely,

Robert L. Zimmerman, Jr., Executive Director  
Charles River Watershed Association

Chelsea Gwyther, Executive Director  
Connecticut River Watershed Council

Peter Shelley, Vice-President  
Conservation Law Foundation

Mettie Whipple  
Eel River Watershed Association

Nancy Goodman, Vice-President for Policy  
Environmental League of Massachusetts

Eric Hammerling, Executive Director  
Farmington River Watershed Association

Dennis Regan, Berkshire Director  
Housatonic Valley Association

Kerry Mackin, Executive Director  
Ipswich River Watershed Association

Pine DuBois, Executive Director  
Jones River Watershed Association

Ken Pruitt, Executive Director  
Mass. Association of Conservation Commissions

E. Heidi Ricci, Senior Policy Specialist  
Mass Audubon

Nancy Hammett, Executive Director  
Mystic River Watershed Association

Elizabeth Ainsley Campbell, Executive Director  
Nashua River Watershed Association

Steven Pearlman, Water Resource Analyst  
Neponset River Watershed Association

Samantha Woods, Executive Director  
North and South River Watershed Association

Julia Blatt, Executive Director  
Organization for the Assabet River

Donald H. Bade, President  
Parker River Clean Water Association

Robert W. Davis, Advocacy Director  
Taunton River Watershed Alliance

Kirt Mayland, Director of the Eastern Water Project  
Trout Unlimited

Thomas B. Arnold  
Member- River Stewardship Council-SuAsCo Watershed  
Member-MWRA Board of Directors- 1985-87

Paul Lauenstein, Board Member  
Neponset River Watershed Association

Deirdre Menoyo, Chair, Water Policy Workgroup  
Environmental League of Massachusetts Lawyers' Committee

Whitty Sanford, past Executive Director  
Connecticut River Watershed Council

cc: Frederick Laskey, MWRA  
Douglas Foy, OCD  
Stephen Burrington, DCR  
Robert Golledge, DEP