

NEPONSET RIVER WATERSHED ASSOCIATION

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September 28, 2005

Commissioner Robert Golledge
Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA 02108

Dear Commissioner Golledge:

The Neponset River Watershed Association opposes DEP's proposed amendment of the 2004 Water Management Act Guidance. We are particularly concerned with the proposal to loosen mandatory municipal water restrictions triggered by low streamflows. We believe that only hand-held hoses should be allowed for lawn watering when there are very low stream flows related to public water use (and low streamflows are demonstrably related to public water use in the Neponset River Basin). Under particularly severe conditions, there should be no outdoor watering at all. In either case, these restrictions should apply regardless of how a basin is classified by the Water Resources Commission (WRC).

Extreme low flows are themselves an indicator of high stress that should result in the implementation of the strictest conservation efforts until adequate streamflows return. Furthermore, the current Water Resource Commission (WRC) stress classifications are sometimes at odds with clear physical, chemical and biological indicators of stress. For example, about a third of the Neponset River Watershed is unassessed, another third rated as low stress and the final third rated as medium stress. These classifications are not consistent with numerous studies, including some done by DEP itself, which show severe stress [see attachment summarizing these studies]. Therefore, when there is site-specific data that convinces DEP that a subwatershed is highly stressed (e.g., where a DEP study concludes this is the case), DEP's Water Management Act Guidance should say it will be treated as such regardless of the WRC's initial categorization.

We also oppose enforcement forbearance, at least for highly stressed basins ("highly stressed" as categorized by the WRC or as established by clear data). And finally, any enforcement forbearance should end if DEP determines, after a full review, that a municipality either does not have or is not implementing a Compliance Plan that will result in full compliance within 5 years of the Water Management Act permit renewal.

Thank you very much for your consideration of these comments.

Sincerely yours,

Steven Pearlman
Water Resources Analyst

Attachment

cc: Arleen O'Donnell
Lt. Governor Rosemary Healey

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