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water shed (n): 1. the area draining into a particular body of water

**Neponset River Watershed Association**  
NepRWA is a nonprofit conservation group founded in 1987 to protect and restore the Neponset River, its tributaries and their watershed lands. News from the Neponset is published six times a year. Printing by Blue Hill Press, Canton.

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**Water Forum 2003**  
**Is Water, Water Everywhere?**  
A Joint Partnership Event of the  
Regional Working Group  
Chamber of Commerce  
Neponset River  
Watershed Association

**Each Workshop Location:**  
Neponset Room, 3 The  
note, MA, MA.  
Pre-Registration is required.  
Call 781-7169-1126 to register.

**Workshop #1**  
Feb 27, 2003 - 9 to 11 AM  
Question: What will happen  
to our regional water supply  
and distribution costs if we do  
nothing?

A Water Supply Panel will present information about: Inter-basin Transfers, Emergency Planning & Alternatives Analysis, and Conservation vs. Policy.

**Workshop #2**  
April 2, 2003 - 9 to 11 AM  
Question: What additional  
regional solutions do we need  
to implement to protect our  
water supplies, increase storage-capacities, and upgrade our  
distribution systems? An open  
forum discussion to brainstorm  
solutions.

# News From the Neponset

A Publication of the Neponset River Watershed Association

January - February 2003

**An Unhappy Anniversary for the Clean Water Act?**  
The Bush Administration is expected to announce a significant change to the Federal Clean Water Act (CWA) that would result in the scaling back of crucial protections for U.S. waters.



The Neponset River above Lower Mills, Mattapan Before the Clean Water Act (CWA) and the clean up efforts it inspired, some sections of the Neponset River were blocked with large chunks of pollution. Today, thanks to the CWA, canoers can once again enjoy a serene trip along the Neponset.

The CWA was adopted 30 years ago to protect all navigable waters within the United States. The Environmental Protection Agency (EPA) has been mulling a decision to remove certain waters, namely all intermittent and ephemeral streams, small tributaries, and wetlands adjacent to navigable waters, from the protective strength of the Act. Such a decision would leave hundreds of thousands of miles of streams and smaller water bodies exposed to potential discharges of sewage, toxic waste, oil, and factory farm waste. The loss of this protection would also make these streams and wetlands extremely vulnerable to filling and dredging for development purposes.

Currently, under section 404 of the CWA, the EPA and the U.S. Army Corps of Engineers share responsibility for protecting wetlands and other aquatic resources. Section 404 specifically authorizes the Corps, with consultation by EPA, to issue permits to any person planning to discharge into, dredge, or fill any navigable water of the U.S.

The decision by the EPA and the Corps to review their jurisdiction over certain waters within the U.S. stems from a 2001 Supreme Court decision that held that the Corps had exceeded its jurisdiction under the CWA by denying a landfill permit for use of an abandoned gravel pit that had developed into a seasonal pond and habitat area for migratory birds.

The Supreme Court decision, and several conflicting decisions by lower courts since 2001, have led the two agencies to redefine their jurisdiction over what some could consider "non-navigable waters," including tributaries to jurisdictional waters, and adjacent wetlands. If the proposed changes are made to the CWA, astonishingly, more than 20% of the nation's river miles and wetlands would lose their protection from pollution as a result of sewage, industrial toxins, oil, and factory farm waste.

The effect will be that the Neponset's small tributaries, like Trapohole, Germany, and Unquity Brooks, as well as several partially culverted streams and many wetland areas in the watershed would potentially be at risk. In Massachusetts, state law is often more protective of the environment than federal law, so the impact of these changes will likely be less dramatic here than in other parts of the country. However, Federal law still comes into play frequently, especially where there are loopholes in state law. In just the last few years, federal law has prevented Mass Highway from filling smelt spawning habitat in Lower Mills, blocked efforts to ruin trout habitat on Trapohole Brook through wholesale dredging, and played an important role in encouraging river restoration at the Gillette stadium. More troubling still is the possibility that the loosening of federal rules would encourage backsliding by state regulators as well.

Clean Water Act continued inside...

## New Changes to Septic System Regulations May Pave the Way for Sprawl

The Massachusetts Department of Environmental Protection (DEP) has approved changes to the Title 5 septic system rules allowing wastewater from septic systems to percolate through the soil at a slower rate.

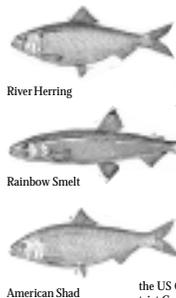
Among the most apparent effects of this rule change is that development will be able to occur in areas where soils were once considered too "tight" to allow safe percolation of wastewater from septic systems, thus opening up areas of towns that would have been unable to support private homes with septic systems until now. Under the new rule, there will be no exemption for sensitive areas like coastal embayments. The elements of the new rule may pave the way to suburban sprawl in many communities, which have been relying on septic system rules rather than sophisticated zoning regulations to prevent sprawl.

Little can be done to improve these new regulations, which were pushed through in record time as Gov. Swift left office. However, the rules won't take effect until 2004, allowing towns a narrow window of opportunity over the next 12 months, to evaluate the impact this will have on growth in their community and adopt by-laws to protect sensitive resources and mitigate any problems that will result.

Community members should take the opportunity to contact their Selectmen and/or Planning Board to urge them to begin working to make needed bylaw changes immediately. For more information on this issue, contact Jessica Stephens at the NepRWA office.

### The Neponset River Restoration Project Moves Forward!

Before the industrial revolution and the exploitation of New England's rivers for waterpower, the Neponset supported a bountiful population of anadromous fish – fish who spawn in the river, refuel in the estuary and spend most of their lives in the ocean. Following the industrial revolution, decades were spent cleaning up the egregious pollution left behind. Today, after years of impressive improvements to the water quality of the Neponset, we are able to set our sights on restoring the aquatic habitats that once supported such fish as the blueback herring and the American Shad.



Along the Neponset River, the most compelling objective in restoring aquatic habitats has been the restoration of anadromous fisheries blocked by the Baker Dam, the T&H Dam and their predecessors for centuries. Even though water powered industry is long gone, the many dams and diversions they constructed hundreds of years ago continue to have a tremendous impact on the health of our river. Creating fish passage beyond the Baker and T&H Dams would open up 17 miles of anadromous fish habitat along the Neponset main stem alone!

Under the leadership of the Department of Fisheries, Wildlife and Environmental Law Enforcement (DFWLE) with the assistance of the US Army Corps of Engineers, the US Geological Survey and the Metropolitan District Commission, and with the support of the Executive Office of Environmental Affairs, a process has been underway for several years to examine habitat restoration options from a technical, economic and environmental perspective.

The Neponset River Project has included several components starting with the stocking of blueback herring and American shad into the Neponset River during 1996 after the river was determined suitable for anadromous fish habitat. That same year, the Army Corps of Engineers initiated a study looking at the various options for fish passage and habitat restoration along the Neponset, focusing on the T&H and Baker Dams. A draft report was released in February of 2002. The report included results indicating modest levels of contaminated sediments behind the two dams, which led to the next phase of the Neponset Project, which is an expanded sediment survey. The sediment survey, currently underway, will characterize the quantity, quality and transport properties of sediments behind both dams. Another component has involved collecting historic photos of the Neponset between the T&H and Baker Dams in order to gain an understanding of how the river has changed over the last century and hopefully to inform the decision making process.

The last component, and perhaps the most critical, is to involve the public in the decision-making process for evaluating fish passage alternatives. One result of the Neponset project will be a series of conceptual renderings of the various alternatives outlined in the feasibility study. These renderings will be developed and discussed during a series of public meetings and will include artistic drawings and photo-simulations. Following an initial meeting to gather information and input from the community and interested stakeholders in January, a follow-up meeting will be held February 26, 7-9 PM at a location to be determined to share the results of the renderings produced. Visit the NepRWA website, [www.neprowa.org](http://www.neprowa.org) to read a summary of the January meeting and the location of the February meeting. For more information visit, [www.state.ma.us/dfwle/RIVER/NeponsetFish/Neponset\\_toc.htm](http://www.state.ma.us/dfwle/RIVER/NeponsetFish/Neponset_toc.htm)

### Know your Drinking Water from Watershed to Water Tap

Do you know what could be contaminating your drinking water? Do you care about water quantity issues in your area? Want to find out more about how to protect your water supplies? If you answered yes – then come to the Sharon Public Library from 6:30-9 PM on March 5<sup>th</sup> to learn more.

Clean Water Fund (CWF) along with NepRWA and the Sharon/Stoughton League of Women Voters is offering **Making Connections – From Watershed to Water Tap**, a free training session for citizens on how to protect their drinking water supply and watersheds. The session lasts 2.5 hours and is targeted for the residents of Canton, Stoughton, and Sharon – although everyone is welcome to attend. The purpose is to identify the sources of your water, identify contaminants in your water and where they may be coming from and highlights steps to protect your water and prevent future problems.

Participants in the trainings will learn to use two existing tools to improve local watershed protection – the Consumer Confidence Reports (CCRs) and the Source Water Assessment Program (SWAP) reports. The CCR is a useful tool to inform the public about the sources of drinking water supply, the contaminants that have been found in drinking water, and possible sources for the contaminants. The SWAP reports describe the sources of water supply and threats to water quality, and will provide recommendations on how to reduce the threats of contamination. SWAP maps, created by the DEP, that outline land uses and sources of contamination within the watershed, are thoroughly examined at the training and provided to local groups interested in working with their municipal officials on improving water supply/watershed protection measures. For more information call the NepRWA office.

### Ecological Landscaping Association Winter Conference & Eco-Marketplace

February 28 & March 1, 2003  
**“Building Viable Habitats: Resources for the Ecological Landscape”**  
 Where: Boxborough Woods Holiday Inn, Boxborough, MA  
 Fee: \$125 for Friday, \$95 for Saturday or \$185 for both days  
 To download a registration form or for more information call 617-436-5838 or visit [www.ELA-ecolandscapingassn.org](http://www.ELA-ecolandscapingassn.org)

### Don't let your yard get burned again – plan ahead for an ecological lawn this summer

It's that time of the year again – to plan your lawn care for this spring and summer. For some of us that means signing up with a lawn care professional. As the past few years have demonstrated, an increased demand for our local water resources means that water bans have become part of the New England summer. To prepare your yard for whatever may come, plan now for an ecological, drought resistant lawn this summer. To help you get started, here are some tips.

#### What is an ecological lawn?

For decades the idealized American lawn has been one of flawlessly cut, bright green Kentucky bluegrass that to maintain its perfection requires pesticides, fertilizers and alarming amounts of water – all of which have negative effects on the health of your watershed. Fortunately, for the Neponset River, a new ideal for the American lawn is evolving – one that is mowed when needed, free of pesticides and fertilizers, drought tolerant, a mosaic of plants native to the region and a refuge for the wonderful biodiversity that also call our yards home. The key to an ecological lawn is getting MORE for LESS – more wildlife, more miles of healthy river, and more compliments for a beautiful landscape, in exchange for less water, less chemicals, less work and less money.

#### How do I get an ecological lawn?

If you use a lawn care provider, first ask your provider about techniques they can use to make your lawn more sensitive to the environment. If your lawn care service is not interested or knowledgeable about this enlightened approach, shop around! Visit the MA chapter of the Northeast Organic Farming Assoc. (NOFA) at [www.nofamass.org](http://www.nofamass.org) to view an array of helpful resources including a list of NOFA Accredited Land Care Professionals, who have gone through an intensive course on the techniques of ecological lawn care. If you don't use a land care professional, but would like help converting your yard, you'll find homeowner resources at NOFA, including their “Citizen's Guide to Organic Land Care” brochure.

...Clean Water Act continued from front.

NepRWA is launching an Activist Alert to recruit people to write letters to Massachusetts Senators Ted Kennedy and John Kerry asking that they actively push for the protection of all U.S. waters by supporting the Clean Water Authority Restoration Act (Senate Bill 2780/House Bill 5194), which aims to protect current authority under the CWA.

Also contact your state legislators and Governor Romney's office to express concern over the proposed change to the CWA, and the need to keep state regulations strong. These state officials also need to hear from you about the importance of minimizing further cuts to state environmental programs. Massachusetts is one of the last states in the nation in per capita environmental spending, and DEP, our primary regulatory agency, has already had its budget cut 17% in the last 12 months with 50 people laid off and remaining staff agreeing to take unpaid “vacations” to avoid further layoffs.

To read the *Advance Notice of Proposed Rulemaking on the Clean Water Act Regulatory Definition of “Waters of the United States,”* visit the EPA website and select the January 2003 issue of the Federal Register, or type <http://www.epa.gov/fedrgstr/EPA-WATER/2003/January/Day-15/w960.htm> to go directly to the link. The public is encouraged to make comments on this Advance Notice and must do so before March 3, 2002. All comments must be post-marked by the above date and addressed to: Water Docket, Environmental Protection Agency, Mailcode 4101T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. OW-2002-0050.

NepRWA will be alerting people via email and our website about all possible actions that can be taken to help protect our nation's waters. For more information, call the NepRWA office at 781-575-0354. To sign up for email action alerts, email [estlinbaum@neprowa.org](mailto:estlinbaum@neprowa.org).

### Special offer for NepRWA Members

During a typical 1 inch rainstorm, more than 700 gallons of water runs off the average roof. That same roof will shed over 4,000 gallons of water from April to August. Considering that half of the water a household uses is applied to the landscape, an easy solution to reducing the amount of drinking water your home uses is to take advantage of rainwater, which has no added chemicals and is a great source of water for your plants. You can tap into this resource with the rain barrel.

The New England Rain Barrel Company is offering NepRWA members a \$14 discount off their rainbarrel for a special member price of \$80. The rainbarrel is made of recycled plastic that allows you to attach a hose to water your plants directly and comes with 2 brass fittings, midjet louver and screen, and 5' hose with shut-off valve. Just position it under your downspout and start collecting natural rainwater for your garden without adding to your water bill or straining local water supplies. Place your order by April 11, 2003 and you can pickup your rainbarrel and attend an ecological lawn care information session on Saturday, April 26 from 9 AM to 12 PM at the NepRWA office.

For product details, check out [www.nerainbarrel.com](http://www.nerainbarrel.com), or visit the office to personally inspect our model barrel. To order email [sales@nerainbarrel.com](mailto:sales@nerainbarrel.com) or call 978-927-0711 – don't forget to mention that you are a NepRWA member to receive the \$14.00 discount!



Don't miss these special opportunities to improve your lawn care!