Massachusetts Rivers Alliance

The RIVER Advocate

HEALTHY RIVERS FOR PEOPLE AND WILDLIFE

SPRING 2016

Wild and Scenic Rivers in Massachusetts

If you've ever canoed the Sudbury River, you know it's a quiet, meandering river, surprisingly peaceful, considering its proximity to people, roads and houses. It's also densely populated with turtles, damselflies, great blue herons and other wildlife. But a wild river it is not. Yet the Sudbury, along with the Assabet and Concord Rivers, the Taunton, and the Westfield, are all federally designated "Wild and Scenic" rivers. The Nashua River, now under study for inclusion in the system, could be our fourth Wild and Scenic River (the Sudbury, Assabet, and Concord are considered one river system). This is terrific for our rivers, as a Wild and Scenic designation bestows both recognition and protection.

The Wild and Scenic Rivers Act was passed by Congress in 1968 to protect free-flowing rivers deemed to have outstanding natural, cultural, recreational and scenic qualities. It's a little like national park status for rivers – a recognition that these rivers are very special - except the federal government doesn't own the rivers, or even, necessarily, the land around them. However, the federal government is barred from initiating, funding, or allowing any actions that could harm these rivers' free flow or other outstanding qualities. In addition, here in the eastern U.S., our Wild and Scenic Rivers are designated as "partnership" rivers, meaning the rivers are protected in partnership with state and local authorities. Partnership Rivers have local stewardship councils to oversee their management, and receive a small amount of annual funding to help celebrate and protect them.

The Massachusetts Rivers Alliance is proud to support this program. Last year we traveled to Washington with member group OARS to educate our congressional delegation and their staff about Wild and Scenic Rivers, and urge their support for the national program and our Massachusetts rivers (and in particular, the Taunton, which had been shortchanged in funding). We are pleased to count the three Wild and Scenic Stewardship Councils among our member groups, as well as many other watershed and conservation groups working to protect these wonderful rivers. And if you don't know them yet, we encourage you to get out on these rivers and explore them this summer (you can find links to these member organizations on our website).

Baker administration wants the feds to step aside

Last July, visitors to Rhode Island's Narragansett Bay, at the mouths of the Seekonk and Providence rivers, were greeted by a distressing site: piles of dead fish. The state's environmental protection agency tallied over 100 dead menhaden in the Seekonk during one July visit, with more in the Providence River. The fish died because low oxygen levels in these rivers made their estuaries uninhabitable - they couldn't breathe.

Low oxygen in rivers is a direct result of nutrient pollution upstream; in this case excessive nitrogen, much of it originating in Massachusetts. Nitrogen enters streams from wastewater treatment plants, septic systems, and storm water runoff that contains pollutants such as lawn fertilizer, and pet waste.

In Massachusetts, nitrogen pollution from wastewater treatment plants is regulated by the federal Environmental Protection Agency (EPA) through permits issued by the EPA and cosigned by the Massachusetts Department of

Continued on page 3.

MAY, 2016

From the Director

THE GOVERNMENT REALLY IS HERE TO HELP

"EPA forcing towns to clean up the Charles River," blared the headline in the Boston Globe in February, referring to new requirements to prevent river pollution.

This headline seemed odd to me. What if, instead of environmental improvement, we substituted another public good? For instance, "State Department of Education forcing towns to educate children."

The U.S. Environmental Protection Agency (EPA) has lately taken more than its share of knocks. On the national front, several political candidates have proposed dramatically reducing the agency's regulatory control over pollution, or even eliminating the EPA altogether. Here in Massachusetts, industries and municipalities have pushed back, hard, against federal pollution control requirements, sometimes enlisting the help of their representatives in Congress or the State House, in an attempt to rein in what they see as the agency's excesses.

From my perspective, we're lucky to have the federal government lending its strong support for our rivers. Massachusetts is one of three remaining states where the federal government controls wastewater and stormwater pollution. With the feds in charge, the state saves an estimated $7.5-$10M a year. Perhaps more important, the folks in our regional EPA office have for many decades been a strong, consistent, and at times courageous force for science-based pollution limits, leading to water quality improvements across the state.

What else does the federal government do for our rivers? In addition to the EPA's role in requiring polluters to clean up after themselves, the National Park Service supports three Wild and Scenic Rivers in our state, and is considering adding a fourth. The US Fish and Wildlife Service manages 11 National Wildlife Refuges (many of which feature rivers), and the United States Geological Survey partners with state agencies to measure ground and surface water levels around the state and report on topics such as the effect of decreasing river flows on fish populations.

Unlike towns and businesses, rivers can't speak for themselves, which is one important reason the Massachusetts Rivers Alliance exists – to speak for them. But it is also why we need strong advocates within both the state and federal government environmental agencies.

And that Globe article? I would call it "Hope finally on the way for cleaner rivers around the state."

Julia

Mass Rivers Organizational Members

AMC Berkshire Chapter
Belmont Citizens Forum
Berkshire Environmental Action Team
Berkshire Natural Resources Council
Blackstone River Coalition
Boxborough Conservation Trust
Charles River Conservancy
Charles River Watershed Association
Charlestown Waterfront Coalition
Clean Water Action
Connecticut River Watershed Council
Conservation Law Foundation
Eel River Watershed Association
Environmental League of Massachusetts
Essex County Greenbelt Association
Friends of Alewife Reservation
Friends of the Assabet River NWR
Friends of the Blue Hills
Friends of the Malden River
Greater Northfield Watershed Association
Green Berkshires
Green Newton
Groundwork Lawrence
Hoosic River Revival
Hoosic River Watershed Association
Hop Brook Protection Association
Housatonic Valley Association
Ipswich River Watershed Association
Jones River Watershed Association
Kestrel Land Trust
Lowell Parks & Conservation Trust
Mass Audubon
Massachusetts Assoc. of Conservation Comm.
Massachusetts Land Trust Coalition
Mass Org of State Engineers and Scientists
Massachusetts Watershed Coalition
Merrimack River Watershed Council
Millers River Watershed Council
Mystic River Watershed Association
Nashua River Watershed Association
Neponset River Watershed Association
North and South Rivers Watershed Association
OARS, for the Assabet, Sudbury, & Concord Rivers
Parker River Clean Water Association
Save the Bay – Narragansett Bay Riverkeeper
Sea Run Brook Trout Coalition
Shawsheen River Watershed Association
Sudbury Valley Trustees
Sudbury, Assabet and Concord Wild & Scenic River Stewardship Council
Taunton River Watershed Alliance
Taunton River Wild & Scenic Stewardship Council
Ten Mile River Watershed Council
The Nature Conservancy
The Trust for Public Land
The Trustees of Reservations
Trout Unlimited, Greater Boston Chapter
Trout Unlimited, Pioneer Valley Chapter
Wastewater Advisory Committee (WAC)
Water Supply Citizens Advisory Committee
Weir River Watershed Association
Westfield River Watershed Association
Westfield River Wild & Scenic Advisory Committee
Westport River Watershed Alliance

"Baker administration wants the feds to step aside" from page 1.

Fish kill on the Seekonk River, July 2015. Photo courtesy of Save The Bay - Narragansett Bay

Environmental Protection (MassDEP). However, the two agencies don't always agree on the amount of pollution that should be allowed in rivers; in particular, the agencies have a long history of disagreeing over nitrogen limits. EPA argues for less nitrogen pollution; MassDEP, claiming lower limits are expensive for municipalities to meet, argues for more.

Most people don't worry too much about which government agency regulates water pollution. But if you care about water quality in the state's rivers, lakes, wetlands, and coastal waters, this should matter to you. The Baker administration is currently seeking to take control over water pollution from the federal government, and this change could affect water quality throughout Massachusetts, and downstream in places like Narragansett Bay and Long Island Sound.

THE MASSACHUSETTS RIVERS ALLIANCE OPPOSES THIS CHANGE. MassDEP's programs have been decimated as a result of recent budget cuts and early retirement incentives, and the agency is struggling to accomplish its current workload. We strongly support increased funding to restore important water quality science programs at MassDEP. However, we oppose the Governor's proposal to spend $4.7M so the state can duplicate an existing federal program currently provided at no additional cost to the state. This is a costly deal that offers no benefit to the environment.

BACKGROUND. In Massachusetts, the EPA controls wastewater, stormwater, and industrial discharge pollution under the federal Clean Water Act. In 47 other states, that responsibility has been delegated to the state regulatory agencies. The feasibility of Massachusetts' taking control of this program from EPA was studied and rejected in 2013 mainly due to cost concerns.

THE ARGUMENT FOR STATE CONTROL. Proponents hope the state will relax regulatory requirements and lengthen compliance schedules to save towns and industrial polluters money. Supporters of state control also argue that the state understands local towns and waterbodies better than the EPA. They believe that the state will spread out the timing of regulatory requirements so they don't all coincide, thereby saving reducing costs, and that the state will allow higher levels of pollutants, such as phosphorus and nitrogen, into surface water.

REASONS TO KEEP EPA IN CHARGE. Mass Rivers and many of our member groups worry that state control of water pollution will indeed worsen water quality through weaker rules and longer timetables to comply with them. We believe that state regulatory agencies like MassDEP are more vulnerable than EPA to local political pressure from towns and businesses who resist spending money on pollution control. In the past, MassDEP has often sought to weaken federal pollution control requirements in response to local resistance.

Both environmental groups and some municipalities also question the wisdom of the state taking on an expensive new program that the EPA now provides to our state. Recent MassDEP's cost estimates for the program have ranged from $7.5M $10M annually; yet the current proposal would provide only $4.7M in new annual operating support. This funding is neither adequate nor sustainable. MassDEP has lost about a third of its staff in recent years, due to early retirement incentives and insufficient operating support, and the agency is struggling with its current workload, which includes major new programs, a multi-year backlog in water quality assessments and planning, and a technology system that won't be fully functional for several years.

Finally, the Nature Conservancy and Mass Rivers researched the results of states' taking pollution control from EPA , and learned that inadequate funding and lack of political support currently hamper water quality improvement efforts in many of them. Also important: once the EPA gives up control it's permanent. The EPA has never taken back responsibility, despite at least 38 petitions filed in other states.

NEXT STEPS. EPA must approve the state's application to take over pollution control in Massachusetts. MassDEP must demonstrate that it has the staff, structure and funding to implement the program, and that its regulations meet Clean Water Act standards. The legislature will also need to establish a new funding mechanism. While past efforts to take over this program have been unsuccessful, this one appears to have momentum. Mass Rivers is working with its member organizations to ask that legislators fund MassDEP's water protection programs and reject this ill-timed legislative request.

Massachusetts Rivers Alliance

Mass Rivers' mission is to protect and restore rivers across the Commonwealth.

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IF RIVERS COULD TALK - *You read the newsletter, now see the video*

In our last newsletter we took you on location as we told the stories of six Massachusetts rivers and their dedicated local advocates. We are excited to share the finished video with you so you can experience these rivers with us, and hear their stories. We are proud to work on behalf of all our state's rivers, their advocates, and their communities, and we think our new video captures the importance of the work we do to champion the needs of all the rivers of our state. So grab some popcorn and enjoy our rivers! massriversalliance.org/about/if-rivers-could-talk or go to our website (massriversalliance.org) and find the video under "About." We are grateful for your ongoing support so that we can be **the voice** for rivers.