MASSACHUSETTS
Rivers Alliance

The RIVER Advocate

HEALTHY RIVERS FOR PEOPLE AND WILDLIFE

FALL 2017

Housatonic River in Lenox, MA. Ben Garver/The Berkshire Eagle

Stepping up for rivers when the government steps back

A surprise EPA decision to delay a long-awaited stormwater permit. Disappearing funding for the state's water quality programs. A weak and disorganized response to a severe drought. State governmental reluctance to expand conservation measures to protect streams and water supplies.

These are all examples of areas where our government has missed, ignored, or even rejected opportunities to protect rivers. We are currently witnessing multiple attempts to unravel significant gains in river protection, especially at the federal level.

These are also areas where Mass Rivers and our growing group of organizational members are stepping up to partner with, assist, or challenge state and federal environmental agencies. We have been pleased to develop productive partnerships with government agency staff many of whom are finding creative ways to continue to meet mandates despite crippling staff shortages. Mass Rivers is also rallying our community to take action in the face of government inaction. We are working with state and federal legislators to fund critical environmental programs, hold onto hard-fought environmental gains, and improve river health throughout the state. In this issue, we highlight our recent initiatives to improve river health in the face of unprecedented challenges. The mission of Mass Rivers has not changed; however, our tactics have shifted.

Julia kayaking on the Charles River.

OCTOBER, 2017

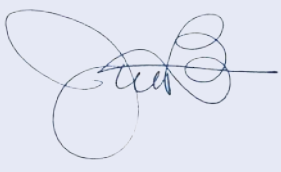
From the Director

It's no secret that this is a difficult time for government. Whether the problem is a shortage of resources to do basic tasks, a lack of political will by its leaders to do the right thing, or a strong determination to do – at least, in my view – the wrong one, our state and federal governments seem to be stumbling, and increasingly challenged in their mission to improve our lives.

I don't think our founders envisioned this, exactly, when the Massachusetts Rivers Alliance was founded, just ten years ago. They were frustrated that water issues were low on the state's agenda, and that river groups were getting no traction in improving policies to protect water quality and river flow. They thought that if groups who cared about rivers – watershed groups, land trusts, and anyone else who shared this mission – banded together, they could, maybe, get the governor's ear. They knew the work would be challenging, but maybe not *this* challenging.

Ten years later, we are mobilizing our membership to fight for our rivers. We are proud to count 66 dues-paying organizational members, and even prouder of what we're accomplishing. This issue of our newsletter highlights the work we are doing together. When we decided to sue the EPA over its delay in implementing the stormwater permit, we were joined by nine of our member groups. When MassDEP held a hearing on our petition to require registered water users to conserve water, people came from all over the state to testify in support. Our Lobby for the Rivers Day attracted over 70 people, and many of our member groups will join us at the State House over the next two weeks to testify for or against legislation that affects our rivers.

We are grateful that our founders had the foresight to begin this work a decade ago, so that now, when it's more important than ever, we're here. We are grateful to you, our organizational and individual members, for your care for the rivers, and for your support for our work, this important work we are doing together.



Mass Rivers Organizational Members

Association to Preserve Cape Cod
Belmont Citizens Forum
Berkshire Environmental Action Team
Berkshire Natural Resources Council
Biodiversity for a Livable Climate
Blackstone River Coalition
Boxborough Conservation Trust
Center for Coastal Studies*
Charles River Conservancy
Charles River Watershed Association
Charlestown Waterfront Coalition
Clean Water Action
Connecticut River Conservancy
Conservation Law Foundation
Environment Massachusetts
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 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 (MOSES)
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
Ocean River Institute*
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
Trout Unlimited, Greater Boston Chapter
Trout Unlimited, Nor'East Chapter
Trout Unlimited, Pioneer Valley Chapter
Wastewater Advisory Committee (WAC)
Water Supply Citizens Advisory Committee (WSCAC)
Weir River Watershed Association*
Westfield River Watershed Association
Westfield River Wild & Scenic Advisory Committee
Westport River Watershed Alliance

**Leadership members*

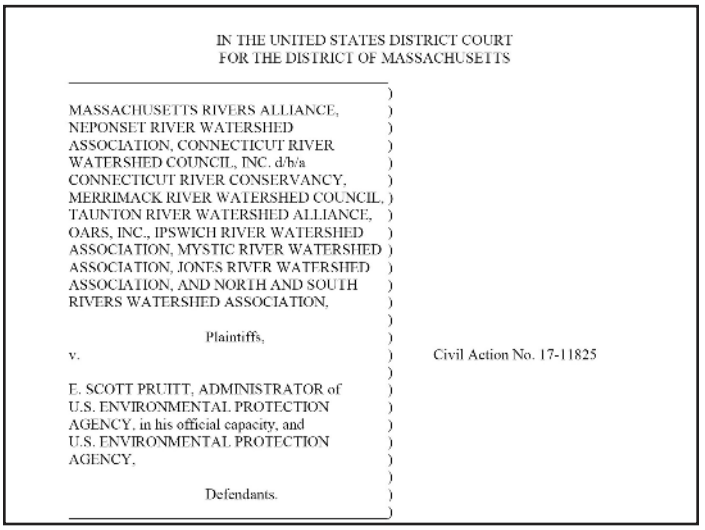
Standing up for clean water: Suing the EPA

The Trump administration surprised MassDEP and Massachusetts communities, businesses, planning agencies, and environmental groups on June 29 with a one-year stay of a municipal stormwater permit that had been set to go into effect two days later, on July 1. The permit, known as the "MS4" (for small municipal separate stormwater systems), is the Clean Water Act's principal regulatory tool to fight stormwater pollution. Its renewal was eight years overdue. On September 22, the Massachusetts Rivers Alliance and nine co-plaintiffs filed suit in Boston's federal district court to overturn the delay with pro bono representation by attorneys Irene Freidel (Boston Bar Access to Justice Fellow) and Kevin Cassidy of Earthrise Law Center.

In the 45 years since the federal Clean Water Act was enacted, wastewater and industrial discharges are cleaner, and rivers are generally much healthier than they were in 1972. However, stormwater continues to pollute Massachusetts rivers, streams, ponds, wetlands, and coastal waters. When it rains, stormwater runs off the land and into storm drains, carrying with it nutrients, bacteria, pathogens, oil, gas, salt, and metals. **Stormwater is now the primary reason more than half the state's water bodies don't meet water-quality standards.**

The new permit would require municipalities to map their stormwater systems, monitor pipes that discharge into streams, fix the most pressing problems (such as illegal discharges), and develop detailed plans to eliminate stormwater pollution. The new permit would replace one that expired in 2008 but remains in effect. It is far more specific about what towns have to do to clean up stormwater, though it would give them more time to do it.

The permit was signed by both DEP and EPA in April 2016,



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MASSACHUSETTS RIVERS ALLIANCE, NEPONSET RIVER WATERSHED ASSOCIATION, CONNECTICUT RIVER WATERSHED COUNCIL, INC. d/b/a CONNECTICUT RIVER CONSERVANCY, MERRIMACK RIVER WATERSHED COUNCIL, TAUNTON RIVER WATERSHED ALLIANCE, OARS, INC., IPSWICH RIVER WATERSHED ASSOCIATION, MYSTIC RIVER WATERSHED ASSOCIATION, JONES RIVER WATERSHED ASSOCIATION, AND NORTH AND SOUTH RIVERS WATERSHED ASSOCIATION,

Plaintiffs,

v.

E. SCOTT PRUITT, ADMINISTRATOR of U.S. ENVIRONMENTAL PROTECTION AGENCY, in his official capacity, and U.S. ENVIRONMENTAL PROTECTION AGENCY,

Defendants.

Civil Action No. 17-11825

Cover page of the complaint filed by Mass Rivers and nine co-plaintiffs in federal district court on September 22, 2017.

with an effective date of July 1, 2017. It covers 260 entities, mostly municipalities, but also some state and federal facilities. The permit was appealed by two municipalities (Lowell and Franklin); two of our member organizations (Conservation Law Foundation and Charles River Watershed Association), who argue that it would not be not tough enough; and two national organizations (The Center for Regulatory Reasonableness, and the National Association for Homebuilders).

The EPA's June 29 letter delayed the permit for one year pending judicial review, in response to a request from several petitioners. MassDEP could have issued the permit independently, but it announced its own delay on August 14. It is not clear when this case will be resolved. Mass Rivers and its co-plaintiffs believe the one-year delay of the new permit is illegal and will cause additional harm to our state's waterways.

Strengthening grassroots water quality monitoring

The Massachusetts Department of Environmental Protection (MassDEP) and U.S. Environmental Protection Agency (EPA) rely on thorough and up to date water quality data when making decisions about how to improve the health of Massachusetts rivers, streams, and wetlands.

Nashua River Watershed Association college interns, Kelsey Gubernat and Ben Sawosik monitoring on Mulpus Brook in Shirley. Photo by Kathryn Nelson/NWRA

Due to significant agency budget cuts at both the state and federal level, environmental protection agencies lack the resources to collect and analyze water quality data. Like many other states, these agencies are now turning to nongovernmental organizations for help. In a time of increasingly lackluster federal support, it is imperative that we improve local citizen science programs to fill this void for environmental stewardship.

At Mass Rivers, we're launching a new water quality initiative to build the capacity of our member organizations who already do water quality monitoring. We kicked off the project in early September, with a member meeting to discuss organizational water quality monitoring needs. We will be partnering with MassDEP, MassBays, the Massachusetts Division of Ecological Restoration, Boston University and the New England Interstate Water Pollution Control Commission (NEIWPCC) on this project. Our goal is to strengthen grassroots, citizen-science water quality monitoring programs around the state while also improving partnerships both between nongovernmental organizations and MassDEP.

Drought resiliency: Protecting rivers from climate change

In response to the severe drought of 2016, Mass Rivers has been working with state environmental agency officials to update the Massachusetts Drought Management Plan (DMP) to improve our ability to withstand future droughts. Revisions proposed last summer include specifying actions appropriate for different degrees of drought; using drought severity, not just duration, as an indicator for drought declarations; adjusting the look-back period so drought conditions are recognized earlier; replacing the currently confusing names for drought levels; and streamlining communications between agencies, local officials, and the public.

Agency officials plan to release a draft report for public comment this fall in hopes of completing the new DMP by late 2017. Mass Rivers will continue to weigh in with state officials as the plan is updated to ensure that the resiliency of both water supplies and rivers is protected in the new assessment.

In addition to working with the administration on the DMP, we are also supporting legislation sponsored by Rep. Carolyn Dykema (D-Holliston) and Sen. Jamie Eldridge (D-Acton) that would give the Secretary of Energy and Environmental Affairs the authority to limit outdoor water use for non-essential purposes. Limiting non-essential outdoor water use during periods of high water stress can save substantial amounts of water and extend the life of both streams and water supplies. This legislation (H.2115/S.425) will be reviewed in October by the Legislature's Joint Committee on Environment, Natural Resources and Agriculture. **Please help us improve our state's response to droughts: Call your state Representative and Senator and ask them to support these bills.**

Kayak stranded in the Ipswich watershed. Photo courtesy IRWA.

MassDEP declines to expand conservation protections

Do you remember the patchwork of inconsistent watering restrictions during the Great Drought of 2016? Some towns had complete watering bans during the height of the drought, but others had only voluntary watering restrictions - or none at all. As a result, many rivers and streams went very low or even dry when they shouldn't have, and several towns declared water supply emergencies.

We can do better. This spring, Mass Rivers formally petitioned MassDEP (Massachusetts Department of Environmental Protection) to add new regulations under the state's Water Management Act to set the same rules for everyone - requiring reasonable, common-sense water conservation during dry periods. Many people in Massachusetts are used to curtailing lawn watering during droughts, and we asked that the state extend these rules to the rest of us. With climate change expected to bring more frequent and severe summer and fall droughts to our region, it is even more important for us to conserve our water when it's in short supply.

Photo by Mark Lindhult.

The current system is a relic of the past. With the enactment of the Water Management Act in 1985, existing water uses were grandfathered in as "registered," which meant those water users had only to file their intention with MassDEP to use this water each year, and to report on the amount of water they used and any discretionary conservation measures they imposed. Only those who use new or additional water beyond the 1985 allocations are subject to water conservation restrictions. This makes little sense from an environmental or public health standpoint.

MassDEP responded to our petition by holding a September 12 public meeting to solicit comments. Many member organizations wrote in to support the petition, and groups that testified in person included the Ipswich River Watershed Association, Charles River Watershed Association, Neponset River Watershed Association, Connecticut River Conservancy, Rivers Alliance of Connecticut, Massachusetts Association for Conservation Commissions, Merrimack River Watershed Council, Mass Audubon and the Nor'East Chapter of Trout Unlimited.

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Annual Meeting and dinner on December 6

Gina McCarthy.

Guest speaker: Former Administrator of the EPA, Gina McCarthy

Protecting Water Resources in Uncertain Times

Please join us for the Massachusetts Rivers Alliance 2017 Annual Meeting and dinner on **Wednesday December 6th, 6 to 9 pm**, at the Beech Street Center in Belmont. We're excited to feature a talk by **Gina McCarthy**, former Administrator of the U.S. Environmental Protection Agency under President Obama. A passionate, inspiring, and very entertaining speaker, Gina spent many years working on environmental protection in Massachusetts. During her tenure in Washington, Gina's visionary leadership strengthened our country's environmental, energy, and transportation policies. She will discuss the environmental challenges facing our country, with suggestions for those of us working on these issues.

Tim Purinton.

We are delighted to honor three Massachusetts River Heroes; **David Pincumbe, Tim Purinton, and Margaret Van Deusen**. As a longtime EPA permit writer, Dave was responsible for hundreds of water quality improvements throughout New England in the past 33 years. Tim ("Dambuster") Purinton co-founded and led the Mass Division of Ecological Restoration through multiple river restorations in Massachusetts. Margaret Van Deusen, Deputy Director and General Counsel of the Charles River Watershed Association, has been a fierce legal advocate for our rivers since 2000. Her work has resulted in policy changes that will benefit our rivers for generations.

Please join us for a fun-filled evening celebrating our rivers and those who protect them. Event details and ticket information will be mailed to all members and are available on the Mass Rivers website (massriversalliance.org) Questions? Call our office at (857) 445-0208.

"MassDEP declines to expand conservation protections" from page 4.

Several of the watershed speakers provided examples where registered water use adversely affected nearby streams. A large contingent of water suppliers also testified, asserting that the proposed new rules would conflict with their historical entitlement to the water, the rules were unnecessary, and would be difficult to implement.

On September 25, MassDEP responded to our petition, stating that it had chosen not to change the regulations or impose new conservation conditions. The agency said that it needs more information on the potential water savings achieved by applying conservation standards to grandfathered water use.. MassDEP said it would focus its efforts on conservation education and a study of potential impacts of water savings in dry river basins. While MassDEP's decision was disappointing, this is an issue that won't go away, and Mass Rivers and our members will continue to work for change.

Massachusetts Rivers Alliance
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Massachusetts Rivers Alliance

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

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Gabrielle Lawinger, Mass Rivers Artist-in-residence

Please join us in welcoming Mass Rivers' first artist-in-residence, Gabby Lawinger. Gabby is a senior at Simmons College where she is a double major in biological environmental science and 2D studio art, with a minor in chemistry. Gabby grew up in Annapolis, Maryland and her favorite home town river is the Magothy, but in Massachusetts she is partial to the Muddy River because she gets to see it every day. You are already familiar with Gabby's creativity and talent if you recall our colorful 2016 annual report, which she designed. During her year-long residency, Gabby will be creating an illustrated field guide of ten Massachusetts rivers. We are excited to be collaborating with Gabby as she combines her love for rivers and her artistic gift.

Mass Rivers artist-in-residence Gabby Lawinger. Photo by Gabby Queenan.