



# *MWRA Advisory Board Ratepayer Notice*

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February 1, 2005

To All Interested Parties:

## **The Role of the MWRA Advisory Board**

The MWRA Advisory Board is an independent fiscal watchdog organization established by the state Legislature to represent the 60 communities and 2.5 million ratepayers of the MWRA service area as part of the MWRA Enabling Act. Members of the MWRA Advisory Board include the chief elected official and a designee from each of the 60 cities and towns serviced by the MWRA, a member of the Metropolitan Area Planning Council, and gubernatorial appointees representing the Quabbin, Ware and Wachusett Watersheds, Boston Harbor (2), Connecticut River Basin and environmental interests. The primary role of the MWRA Advisory Board is to review and comment on MWRA capital and current expense budgets, as well as MWRA practices and policies. The MWRA Advisory Board also appoints three members to the MWRA Board of Directors and serves as a liaison between the communities and the MWRA.

## **The Blue Hills Covered Storage Project**

MWRA is proposing to construct a 20 million gallon covered drinking water storage facility at the Blue Hills Reservoir, in the Department of Conservation and Recreation (DCR) Blue Hills Reservation in Quincy. The existing reservoir was constructed for water supply purposes by the Metropolitan District Commission (MDC) in the 1950s. MDC removed the Blue Hills Reservoir from active service in 1981 in response to high bacteria levels created by birds and animals. The Reservoir is currently maintained by MWRA as an emergency, non-potable water source that can provide water to Quincy and portions of Milton and the South Dorchester and Mattapan neighborhoods of Boston. The planned covered storage facility will provide drinking water to these same communities, serving an estimated population of over 100,000.

The proposed project has many important public health and safety objectives including the ability to protect drinking water from contamination, stabilization of water pressures in the distribution system and the ability to feed off of the storage facility in the event of a break in the distribution system or some other interruption of water supply. The project is also part of a mandate from the state's safe drinking water regulations.

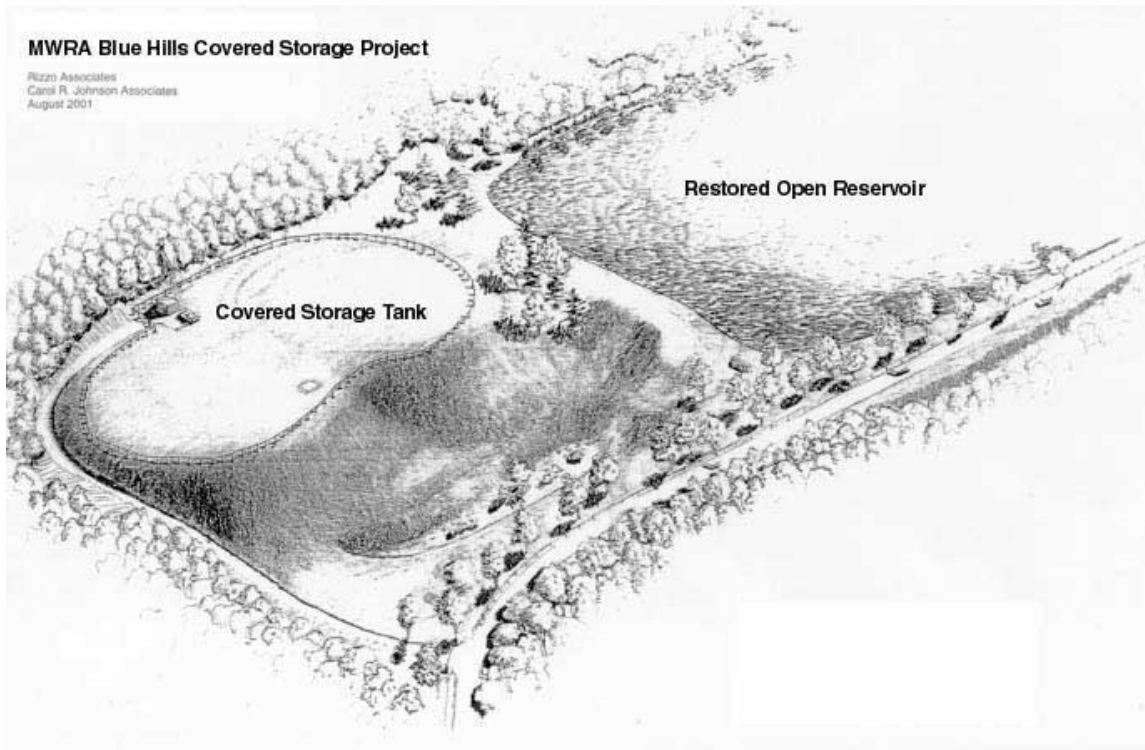
MWRA recognized early that input from impacted parties would be needed to develop an acceptable plan for the Blue Hills Covered Storage Project (BHCSP). The Blue Hills Working Group was subsequently established with representatives from the communities of Quincy, Milton and Braintree, MDC (DCR), Massachusetts Audubon Society, Water Supply Citizens Advisory Committee (WSCAC), MWRA Advisory Board, Friends of the Blue Hills (FOBH) and

a number of other interested parties to participate in the conceptual design and Environmental Impact Report processes.

Through numerous meetings, the Blue Hills Working Group helped MWRA's design firm, Rizzo Associates, to select a preferred location for the facility among 40 initially proposed sites and/or methods for meeting the project's goals. The preferred option is to construct two 10 million-gallon tanks in the eastern portion of the existing Blue Hills Reservoir. As stated in the BHCSP Final Environmental Impact Report in November 2001:

“The portion of the reservoir where the tanks will be located will be filled with soil covering the tanks, creating a landscaped meadow of approximately 8.4 acres. The wetland impacts resulting from filling a portion of the reservoir will be mitigated through the restoration and enhancement of the remaining unfilled portion, approximately 8.9 acres, and by creating vegetated wetland habitat adjacent to the reservoir. The enhancement will include development of aquatic and wetland habitat and improving pedestrian access. The intent of constructing the storage tanks within the shoreline boundaries of the existing reservoir is to limit impact to the largely undisturbed upland and vegetated wetland habitats surrounding the reservoir.”

The following is an artist's rendering of the completed project:



With the notable exception of the FOBH, other members of the Working Group have yet to express any objections regarding the location of the tanks or the proposed plan to mitigate the impact of the loss of wetland areas.

### **Planned Construction Mitigation**

MWRA has consistently recognized that the proposed project is within an important recreational and habitat resource area, thus, the BHCSP must be compatible with the area surrounding the tank. To achieve this objective, MWRA has included significant design elements that will actually enhance environmental diversity and improve aesthetics of the existing site. Of the current \$31.3 million budget for construction of the BHCSP, MWRA estimates that \$8.0 million, or 25%, of the cost is dedicated to mitigation related expenses. This estimate includes such measures as the construction of a new dam to allow the establishment of the new water feature, ecological enhancements to fish and wildlife habitat, burial of the tanks, development of walking trails to improve public access to the restored reservoir and measures to protect endangered species habitat surrounding the site. The MWRA Advisory Board has relayed concerns to MWRA and the Executive Office of Environmental Affairs regarding the atypically high level of mitigation expenses associated with this project. In consideration of the concerns relayed by the other members of the Blue Hills Working Group, however, the MWRA Advisory Board recognizes the need for the BHCSP to be compatible with the surrounding habitat.

### **Comments Made By the Friends of the Blue Hills Regarding the Blue Hills Covered Storage Project**

MWRA has consistently sought the input and involvement of FOBH throughout the planning stages of the BHCSP. Numerous recommendations made by FOBH have been incorporated into the current design regarding wetland restoration, public access, reservoir drainage and construction impacts. FOBH continues to press for the MWRA to do more, with particular emphasis on replicating the wetland area that will be lost as a result of the project. MWRA maintains there is no feasible opportunity to proportionally replace land under water displaced by the project. As a consequence, MWRA's approach is to restore the remaining half of the existing reservoir that will host an enhanced wetland habitat that will improve conditions for fishery and wildlife well beyond current conditions. MWRA recognizes that the BHCSP cannot meet the specific requirements of the Wetlands Protection Act and in response has put forth a reasonable plan that is consistent with the spirit of the law. (As noted below, the Commonwealth of Massachusetts Department of Environmental Protection (DEP) has granted MWRA's request for a *Variance from the Wetlands Protection Act* and the US Army Corps of Engineers, with concurrence from the EPA, has issued a *Section 404 Clean Water Act Permit*.)

The current Blue Hills Reservoir is man-made and designed exclusively for the purpose of maintaining clean drinking water. This includes design features such as rip-rap (rock) retention walls and steep slopes intended partially to deter vegetative growth. The purpose of the Blue Hills Reservoir is, and always has been, to maintain clean water free of vegetation and animal activity to allow for human consumption. While the condition of the Reservoir has declined since being taken off-line in 1981, the Blue Hills Reservoir remains an integral part of the MWRA emergency back up distribution system. The MWRA's intent in creating covered storage at Blue Hills is to upgrade the existing Reservoir and return it to active status. The FOBH's claim that the current Reservoir should be replicated as if it were a natural wetland habitat ignores the fact that the Wetlands Protection Act (WPA) specifically exempts the maintenance, repair, or replacement of public water supply facilities from regulation. Although

the BHCSF is a substantial change to the existing Reservoir and requires a Variance from the WPA regulations, all of the state and federal permitting agencies, including EPA, agree that MWRA has proposed satisfactory mitigation. MWRA has worked cooperatively with the regulatory agencies to develop a plan to support a diverse series of wetland areas within the new water feature.

At different points throughout the siting process for the Blue Hills Covered Storage Project, FOBH suggested that if MWRA cannot provide one to one replication of wetland habitat that MWRA should seek to purchase property as mitigation. Friends of the Blue Hills has even suggested the transfer of two specific parcels of land totaling approximately 33 acres within the City of Quincy, including one site owned by Quincy dedicated for use as a cemetery. When MWRA approached Quincy officials regarding the FOBH proposal, City representatives indicated that the cemetery land was not for sale. With the advice and consent of regulatory agencies, MWRA subsequently proceeded to develop the enhanced wetland mitigation plan currently under consideration. The wetland mitigation plan proposed by the MWRA is the most appropriate option available to MWRA to meet the spirit of the Wetlands Protection Act considering that the purchase of property to replicate land underwater has been deemed unfeasible. FOBH's continued insistence that MWRA take steps to purchase non-germane property is a political maneuver with the objective of either terminating the project or having MWRA ratepayers finance the expansion of the Blue Hills Reservation.

DEP concurs with the MWRA's approach regarding wetlands mitigation. In DEP's granting of the MWRA's request for a variance from the Wetlands Protection Act, Commissioner Robert Gollidge, Jr. stated:

“Regulation 310 CMR 10.05(10) provides that the Commissioner may waive the application of the regulations if it is found “that the variance is necessary to accommodate an overriding community, regional, state or national public interest...”...In sum, the proposed project has demonstrated an overriding public interest because it will improve the safety, reliability and security of the regional water supply system that serves Quincy and portions of Milton and Boston.”

FOBH subsequently sought to appeal DEP's ruling and the case is currently before the state Division of Administrative Law Appeals. MWRA estimates that the FOBH appeal of the Variance issued by the DEP Commissioner has delayed the BHCSF by at least eighteen months. This delay will have significant cost implications for MWRA ratepayers. MWRA's proposed Fiscal Year 2006 Capital Improvement Program budgeted cost for this project has increased by over \$3 million due to delays in project permitting and associated inflation projections, an addition of nearly 10%.

### **Continuing Efforts of FOBH to Derail the Blue Hills Covered Storage Initiative**

FOBH, specifically through the leadership of FOBH member Thomas Palmer, has embarked upon a campaign to halt construction of the BHCSF. FOBH's efforts have included many false claims related to the project. Notable examples include the following:

- FOBH claimed in a letter from Mr. Palmer to DEP taking issue with MWRA's request for an expedited adjudicatory hearing that FOBH "has no knowledge or experience of [the Working] group" formed by MWRA in 1997 to discuss mitigation issues and denies any FOBH knowledge of or participation in any Working Group meetings. FOBH's claims are belied by the fact that Thomas Palmer, David Hodgson and Steven Olanoff, all members of FOBH, actively participated in the Working Group meetings. MWRA has documented their attendance via Working Group meeting notifications, minutes and attendance lists indicating the active involvement of all three members of FOBH.
- In the same letter to DEP regarding the expedited adjudicatory hearing, FOBH stated that MWRA had begun to drain the Blue Hills Reservoir in order to proceed with the project. This statement is false. The DCR is responsible for maintaining the dam at the Blue Hills Reservoir. MWRA was asked by DCR to help lower the level of the reservoir and relieve stress on the dam. Water was subsequently released April 8, 2003 through August 14, 2003 at a low flow rate to help assure the structural integrity of the dam. FOBH represented the lowering of the water levels within the Reservoir as a measure being undertaken by MWRA to begin construction of the BHCSP when in truth the reservoir level was being lowered as part of the standard maintenance protocol for managing the Blue Hills Reservoir.
- Another letter from Mr. Palmer to Steven McCurdy at DEP requested the BHCSP be removed from the Draft Intended Use Plan for the Drinking Water State Revolving Fund because of the open issue regarding wetlands replication. Mr. Palmer's letter contains additional misleading statements. The correspondence references minutes from a Weymouth Town Council meeting that in his words suggest, "that part of the impetus for the project (BHCSP) comes from MWRA plans to facilitate a major private development in that town, which is currently not part of the MWRA water system." While MWRA has engaged in preliminary discussions with the developer of the former Weymouth Naval Air Station, MWRA is one of many options the developer is considering to provide water and wastewater to the site. The project is in the early planning stages. Suggesting that MWRA is developing the BHCSP to extend the Waterworks System to Weymouth is simply untrue. As explained by the MWRA to the project developer in their one and only meeting, extension of the MWRA Waterworks System would take a minimum of two to three years and require the approval of the state Water Resources Commission, the three communities where the Air Base is located, the Massachusetts Legislature, MWRA Advisory Board and MWRA Board of Directors.

### **Need for a Balanced Project Proposal**

The MWRA Advisory Board has a unique mission to balance the capital and environmental demands of a large metropolitan water and sewer agency with the concern of ratepayers to maintain affordable rates. On behalf of MWRA water customers, the MWRA Advisory Board is compelled to bring forth its concerns regarding FOBH's continued attempts to impede the BHCSP. Mr. Palmer, on behalf of the FOBH Board of Directors, has recently pursued a public campaign to solicit individuals and organizations to testify or to send letters to DEP requesting that the BHCSP be removed from the Draft Intended Use Plan for the Drinking Water State

Revolving Fund. If FOBH's efforts are successful, MWRA will be deprived of \$5 million to offset the estimated \$31 million in construction costs to build vital storage in the Blue Hills Reservation. FOBH's actions would hurt already beleaguered ratepayers and guarantee that the project's generous mitigation package will need to be scaled back. FOBH's use of misleading information to promote a myopic vision of the project should be unacceptable to FOBH's membership and corporate sponsors.

Considering the significant mitigation package to remediate the site, the status of the existing public water supply reservoir as exempt from the WPA for maintenance, repair and replacement activities and broader public health concerns, the time has come for the BHCSP to move forward as designed. The MWRA Advisory Board maintains that Mr. Palmer and FOBH should end their self-serving and narrow-minded objections to allow this necessary project to proceed.

### **Who to Contact**

The BHCSP is an important initiative that will provide significant public health and safety benefits. This Ratepayer Notice is being forwarded to all Advisory Board members, MWRA Community Chief Executive Officers, all members of the FOBH, all corporate sponsors of the FOBH, MWRA Legislative Caucus members, Senators Kennedy and Kerry, Representatives Barney Frank, Edward Markey, Michael Capuano, Stephen Lynch and William Delahunt and local media outlets.

You can contact the Friends of the Blue Hills at:

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Please help the MWRA Advisory Board in relaying your support for the BHCSP and to request the FOBH organization cease in their continuing efforts to halt this important project. Your support is appreciated.

Joseph Favaloro  
Executive Director, MWRA Advisory Board

Katherine Haynes Dunphy  
Chairman, MWRA Advisory Board