



Governor Deval Patrick
State House, Room 360
Boston, MA 02133

May 21, 2007

Dear Governor Patrick:

I write to you on behalf of the Friends of the Blue Hills, a nonprofit charitable trust based in Milton. Since 1976 we have worked to protect and preserve the public resources of the century-old Blue Hills Reservation.

We are asking our members and others to contact you regarding the Massachusetts Water Resources Authority's proposed \$40 million Blue Hills Covered Storage project, which is the largest construction proposed inside the Reservation since Governor Sargent halted the Southwest Expressway in 1970.

Our research has demonstrated that the project, which involves emplacement of two cylindrical concrete drinking water tanks 40 feet high and 240 feet in diameter, will produce the greatest net loss of protected wetlands—8.7 acres—approved anywhere in the commonwealth for at least twenty years. That this loss will occur in the Blue Hills Reservoir on Chickatawbut Road in Quincy, a scenic highlight of the Reservation and one of the cleanest and clearest water bodies in eastern Massachusetts, is particularly significant.

I have been a member of the Friends since 1988 and was elected president in 2005. In recent years the MWRA proposal has become a major focus of our organization, partly because of the scale of its impacts on the park, and partly because of our complete failure to persuade MWRA or state environmental officials that these impacts must be appropriately mitigated.

This failure began with informal visits by MWRA staff to our board meetings in the late 1990's, and continued through the MEPA process ending in late 2001 and DEP's grant to MWRA of a variance from the Wetlands Protection Act in 2003. In 2005 an administrative law judge agreed with us that MWRA's refusal to replace any of the lost wetlands violated existing environmental standards, but his decision was immediately overturned by Governor Romney's

DEP Commissioner. We then challenged the variance in Norfolk Superior Court with assistance from attorneys at DLA Piper Rudnick, but this effort failed in late 2005 when judge Charles Hely rejected our claim and likewise ruled that we lacked standing to bring an action to protect the Blue Hills.

Similarly, a bill we helped write requiring MWRA to replace the wetlands, although sponsored by representatives Ayers, Coughlin, Galvin, and Timilty, failed last June when it was sent to study by the Natural Resources Committee. Our most recent setback came last month, after 240 of our constituents contacted your recently appointed Environmental Secretary Ian Bowles and asked him to suspend the project until MWRA agreed to replace the wetlands. On the 17th a representative of Secretary Bowles informed us, without explanation, that he would not intervene.

I am largely responsible for all of these failures, since I directed the Friends' efforts, composed most of our communications, and spoke at countless meetings and hearings now stretching over a decade. Having failed so many times, I am none too eager to fail again, particularly since the next failure—my failure to persuade you to protect wetlands in the Blue Hills—is likely to be more or less irretrievable, since construction of the project is reportedly about to begin.

Nonetheless I consider myself obligated to our board, our members, our constituents, and the park itself to ask for and obtain this last and most damaging refusal.

FAILURE ALL AROUND

The reason I am hopeful that you may indeed redeem our many setbacks and use your office to protect the Blue Hills Reservation and its public resources can be found in the history of the project itself. Just as we failed, despite our best efforts, to alter or improve the tank proposal in any significant respect since it was first outlined in 1997, so likewise has MWRA failed to achieve the goals it set forth at the beginning.

MWRA's goals are stated in a 1999 report entitled *Blue Hills Covered Storage Project: Alternatives Evaluation and Recommendations* issued by Rizzo Associates. On page 2 it declares:

Key to the success of this project is to develop a solution adhering...to the following conditions:

- Reasonable cost to water consumers
- Minimal environmental disruption
- Community support; and
- Consistency with long-range planning

All of these conditions except the last have not and cannot be fulfilled by the project as proposed. Perhaps the greatest failure is associated with the third, "community support": not a single elected official has endorsed the tanks, while seven local legislators and the Quincy and Milton conservation commissions have called on MWRA to replace the lost wetlands. Largely due to MWRA's steadfast and long-term refusal to even consider such requests, the project is

opposed by the city of Quincy, the community where it is sited and which MWRA director Fred Laskey has said will receive 92% of the benefits. MWRA has failed to obtain the community support it once deemed key to the project's success.

MWRA's failure with respect to the first condition, "reasonable costs to water consumers," is also hard to overlook. Initially budgeted at \$23 million in 1999, the project's price has nearly doubled in eight years, to over \$40 million. Considering that it is intended to provide a one-day emergency supply of potable water to 100,000 users, the per capita cost of supplying each of these users is \$400. They could purchase the same amount of water from a bulk supplier for \$4 or less.

In regard to the second condition, "minimal environmental disruption," no one disputes that the tanks will produce the largest approved loss of wetlands generated by any public or private entity in Massachusetts in at least twenty years. What's more, these wetlands—8.7 acres of clean open water—constitute over half of the largest body of clean open water remaining in the city of Quincy. They furnish the longest water view—1200 feet—available from any road in the Blue Hills Reservation. In 2000 Camp, Dresser, and McKee found that the Reservoir is one of the cleanest water bodies in eastern Massachusetts, clear enough to support plant growth across its entire bottom despite a maximum depth of 35 feet. The loss of over half of the Reservoir, and its replacement by millions of tons of dirt and concrete, will be a major event in the history of the Blue Hills Reservation. This land was, after all, purchased with public money over one hundred years ago specifically to be protected from development.

If the project does not meet three out of four of MWRA's own criteria for success, why should it go forward?

TWO SETS OF FACTS

One of the most regrettable aspects of MWRA's failed effort to convince the public that the project is both necessary and cost-effective has been its assumption that the provision of false and misleading information has advantages that outweigh any damage done to the agency's credibility.

For instance, the MWRA webpage describing the project links to a two-year-old letter written by an elderly Plymouth resident and published by the GLOBE. The letter states:

It is amazing how a small holding, inaccessible to the public, becomes a "wetland." Having roamed the Blue Hills as a youngster in the 1940s, I know there was no such thing as a wetland in the mentioned portion along Chickatawbut Road, be it Milton, where I grew up, or Quincy.

Here MWRA endorses the fiction that the reservoir is a completely artificial construction and was not built by damming a pre-existing wetland of fifteen acres. This wetland appears plainly on the original Reservation topographical map published in 1896, where it is labeled Twinbrook Swamp, and is likewise prominent on US Geological Survey maps dated 1936 and 1948. The phrase "inaccessible to the public" is equally false: since 1981, when the reservoir was disconnected from the MDC water system after only thirty years of use, it has been as available to the public as any other part of the park, and every MDC/DCR trail map published in the interim

has recommended it to fishermen. But since “improving accessibility” is one of the project’s purported benefits, MWRA must pretend that the site will be more open after project completion, which would be an excellent argument if it were true.

Similarly, MWRA’s January, 2006 *Five-Year Progress Report: 2000-2004*, addressed to the governor and legislature, contains the following on p. 7:

Between 2000-2003, the Blue Hills Covered Storage Project advanced through the preliminary design and environmental review process, and received a variance from the Wetlands Protection Act. In 2003, one party, *despite the project’s long list of supporters* and overriding public interests and benefits, appealed the wetlands variance. [italics added]

Being unaware of anyone outside MWRA who favored the project, we called the agency’s public information officer when we saw this report and asked to be provided with the “long list of supporters.” Although we were told it would be forthcoming, we are still waiting.

Experiences like these made us understand that MWRA is less interested in presenting the project accurately than in creating a narrative that will facilitate its approval. Evidently information of the type quoted above is not intended for people acquainted with the facts. MWRA possesses two sets of facts: one that is private and presumably reliable, and another that is not quite so factual but is too useful to be discarded. Demonstrating to MWRA that facts in the second set are inventions is pointless because, as we discovered, they will continue to be repeated regardless.

This is the context in which we viewed MWRA’s increasing emphasis on the project’s importance for public safety, in particular protection from terrorists.

BE VERY AFRAID

In December, 2001, two years after MWRA identified the tanks in the reservoir as its “preferred final alternative,” the following report by Kevin Rothstein appeared in the *Quincy Patriot-Ledger*:

Terrorism fears are speeding up plans to install covered water tanks in Quincy and Stoneham. The Massachusetts Water Resources Authority says it can reduce by two years the time needed to build two underground water containers in Quincy by having design and construction work done by the same company...The Sept. 11 terrorist attacks prompted the MWRA to accelerate the project. “People want to get these things built faster,” [MWRA spokesperson Jonathan] Yeo said.

This is the first appearance of a claim that would become one of the most constant elements of MWRA’s effort to convince skeptical ratepayers of the importance and urgency of the tank project: that unless it was built and built quickly, water supplies would remain vulnerable to shadowy evildoers. In March 2002, for instance, the *Milton Times* reported that the project “will help ensure the safety of the Metropolitan Boston area’s drinking water from possible chemical

and biological attacks.” In February 2005, the MWRA Advisory Board stated in a “Notice to Ratepayers” that

To further secure and protect its drinking water infrastructure post September 11th, MWRA has proposed the construction of two covered storage tanks in the Blue Hills Reservoir

The MWRA webpage describing the project, last updated in January 2007, states that “since the events of September 11, 2001, MWRA has become more security conscious and has increased the priority of constructing this and other covered storage projects.”

This argument never proceeds to specifics. It implies, for instance, that the tank project will restrict access to water otherwise exposed to tampering, but in fact MWRA has never had a drinking water reservoir in Quincy: the Blue Hills Reservoir was taken off-line in 1981, three years before legislation created MWRA, and has not been used since, though until the recent draining it was available as non-potable source for emergencies. From a common sense perspective, the project will simply furnish another target for malicious activity, and its huge cost will siphon money away from funds available to repair or replace existing infrastructure, like the pipes carrying water from Dorchester to Quincy.

We have likewise discovered that MWRA’s attempts to exploit public anxieties are not justified by expert opinion; in the aftermath of 9/11, federal agencies looked hard at the vulnerability of large water supplies, noted that none had ever been victims of a successful terrorist attack, and did not designate any homeland security funds for new storage facilities. In 2002 Senator Bill Frist, MD wrote that “Most experts have concluded that it would be virtually impossible to cause widespread health problems by contaminating a major public water supply.”¹ New York City responded to the challenge by initiating improvements in its ability to detect foreign substances in water, particularly those that might be introduced by end-users forcing flows backward into the system; it did not propose building covered tanks.

Here we see that MWRA’s many invocations of 9/11 do not reflect a well thought-out security plan, but are bids to rescue the project by hinting at terrible consequences that could result from a failure to fund and build it. This utterly cynical approach does not inspire confidence in MWRA’s public statements. It suggests that we who will have to finance the tanks have been sold a bill of goods.

JUST BECAUSE

It is no easy task to discover precisely why MWRA believes it must spend \$40 million in ratepayer funds to construct the proposed tanks. Its MEPA submissions, which predate the emphasis on terrorism, cite the recent DEP regulation requiring all drinking water to be covered subsequent to treatment—in this instance downstream of the new disinfection plant in Southborough—but MWRA’s carefully fostered pretense that this rule somehow makes the Blue Hills tanks obligatory is completely baseless. Yes, stored water must be covered, but there is no requirement regarding how much water must be stored or where.

¹ Frist, Bill, *When Every Moment Counts: What You Need to Know About Bioterrorism from the Senate's Only Doctor* (Rowman and Littlefield, 2002)

In fact, the only DEP guidance on this matter—the Department’s 2001 *Guidelines and Policies for Public Water Systems*—recommend that the total volume of treated water in storage be equal to or greater than the average daily demand. Thanks to the synergy of voluntary conservation and rising water rates, daily demand in MWRA’s metropolitan service area has been shrinking steadily for many years, and now hovers somewhat below 200 million gallons, according to data released in 2006. Existing MWRA covered storage for the area now totals approximately 235 million gallons. And so MWRA already has 17% more storage than DEP recommends. It’s worth noting, as well, that when MWRA calculates volumes of treated water in storage, it does not include tanks and standpipes owned by individual communities, which comprise a significant portion of the total available for all purposes.

The genesis of the Blue Hills project can be traced back to MWRA’s 1993 *Water Distribution Storage Study* prepared by Rizzo Associates, the same firm that was awarded the initial permitting contract for the Blue Hills in 1997. This study recommends a much more lavish and costly system of tanks and tunnels than will ever be built, including 465 million gallons of treated storage. Several of the massive projects it describes have never gone further, and yet it is frequently cited by MWRA as “the plan,” as if it had been reviewed and approved in its entirety.

Perhaps the most complete description of the need and purpose of the Blue Hills tanks appears in MWRA’s *Proposed Capital Improvement Program*, most recently updated in January, 2007. This document, unlike MWRA’s webpage and press releases, dispenses with any references to 9/11:

Project Purpose and Benefits

- *Improves system operability and reliability*
- *Contributes to improved public health*

To ensure sufficient distribution storage for MWRA’s Southern High Service Area. Presently, the area relies on the existing open reservoir for non-potable emergency storage, creating the potential for supply disruption and a boil water order if repairs are needed on a major transmission line for Quincy and other communities in the Southern High Service Area. Covered distribution storage will equalize pressure at the extremities of the Southern High pressure zone and provide potable emergency storage in case of unexpected interruptions of supply. New covered storage facilities at the Blue Hills Reservation will have a capacity of 20 million gallons.

The “Southern High Service Area” comprises areas of Boston, Milton, and Quincy that are served by the 45 million gallons of storage at the new treatment plant in Southborough and the new 115 million gallon tank at Norumbega in Weston. Hence the area already has 160 million gallons of distribution storage—here deemed insufficient, even though it amounts to 80% of average daily demand for the entire Boston system. The purported deficiency is evidently related to “unexpected interruptions of supply” which could affect the 40-year-old Dorchester Tunnel, which distributes water throughout the area between Chestnut Hill and Quincy. If this conduit were lost, the tanks could supply the Southern High Service Area until service was restored.

According to the 1993 *Water Distribution Storage Study*, only 8 million gallons of storage are needed to equalize pressure in the area (even less given recent declines in demand), and hence most of the proposed 20 million gallons are a hedge against emergencies. And yet the existing Blue Hills Reservoir provides 200 million gallons for emergencies including firefighting. The reservoir, however, is non-potable and would require issuance of a boil order if its contents were released.

Here is the crux of the matter. An undefined emergency might interrupt supply between Chestnut Hill and Quincy, and if the existing reservoir were activated, a boil order would have to be issued. In order to avoid the prospect of a boil order (such orders are issued routinely nationwide in many systems with intermittent water quality problems), MWRA ratepayers must pay \$40 million to build massive tanks that will permanently scar the historic Blue Hills Reservation and will produce the largest net loss of wetlands permitted anywhere in the commonwealth in a generation.

We note that the reservoir has provided emergency storage for twenty-five years since 1981 and the anticipated interruption has never occurred. We also note that MWRA drained the reservoir in 2006 and thus voluntarily eliminated the emergency supply which is its main rationale for the tanks. Since the tanks cannot be completed until 2010, evidently MWRA has greater confidence it can provide the Southern High Service Area with emergency water from the large volumes stored upstream of Chestnut Hill than its project description indicates, since it is willing to let four years go by without access to any storage but this.

If the tanks were built, and the much-feared interruption occurred, they would provide about one day of potable water to the area. On the second day the system would be back where it started. Hence the \$40 million buys only twenty-four hours of water, and the project's usefulness is limited to short-term interruptions. We also note that a boil order could be avoided if MWRA set up a temporary chlorination facility on the existing line between the reservoir and Quincy.

We do not pretend to be disinterested observers, but it nonetheless seems to us that \$40 million is a high price to pay to avoid the possibility of a one-day boil order for Quincy, Milton, and portions of Boston. To state blandly, as MWRA does, that the tanks "will improve system security and reliability" does not establish that the value of the improvements justifies the expense. Any residential user of MWRA water, for instance, depends on a pipe running from the street to his house, but few such users have chosen to install emergency tanks in their attics so as to protect themselves from "unexpected interruptions of supply."

By draining the reservoir MWRA showed itself willing to do without emergency storage of any kind in the Southern High Service Area for a minimum of four years, indicating how weakly the project is tied to genuine system needs. This is what we would have said to members of the MWRA Board of Directors if we had ever been able to address them (we asked, but were denied). There is no evidence that the Blue Hills project has ever been exposed to the kind of severe and demanding cost/benefit review that would require the agency to justify its capital improvement recommendations.

MWRA is an independent authority, and derives its income from captive ratepayers who have little control over its budget. Hence, as the 1993 Rizzo study shows, it is liable to propose schemes that are ideal from an engineering perspective but not balanced against real world needs and resources. Once it moves forward on a project, it tends to treat criticism as interference. The project becomes an end in itself, and the goals it is intended to serve are not scrutinized further.

IN THE BUNKER

There may have been a time, now a decade ago, when MWRA planners permitted themselves to believe that siting a major project in protected wetlands in the heart of the Blue Hills Reservation would excite no more resistance than the reservoir's initial construction in 1951, when there was no Route 128, no South Shore Plaza, and no Wetlands Protection Act. At that time the great postwar migration to the suburbs had barely begun, and the park had not been encircled by wave after wave of development.

But the first loud objection registered almost immediately. In December 1997, at a meeting in Canton of the MWRA-sponsored "working group" assembled to discuss the project, MDC Reservations and Historic Sites supervisor Brian Broderick appeared and said the tanks as proposed would involve "significant impact and long-term disruption" to the Blue Hills Reservation and that MWRA should find another site.

Although the group had met several times in previous months and more meetings were scheduled, after this event MWRA cancelled all dates for nearly two years, and only recalled the group to inform it in November, 1999 that it had selected the reservoir site as its "preferred alternative." By then Broderick had fallen ill and retired, and the MDC had been forced into line.

This pattern repeated itself in subsequent years. Many groups and individuals objected to the project, most often to the proposed major and uncompensated loss of protected wetlands, but the MWRA answer was always the same: we're going forward. Today is it abundantly clear that the community support once deemed critical to the project's success has become, from MWRA's perspective, dispensable.

Here we reproduce some of these objections in sequence. We believe MWRA felt privileged to ignore them because of assurances it had received from the governor's office that regulators at DEP would not be permitted to offset the project's impacts despite their twenty-year history of requiring all state agencies including MWRA to replace filled wetlands.

In view of the important public function that the Covered Storage project will serve, FBH is willing to work with MWRA to help insure that this project results in the least possible damage to the Reservation and its resources, provided that the MWRA includes adequate mitigation for unavoidable impacts.

—**Friends of the Blue Hills** April 20, 2000 comment on Expanded ENF

DEP staffers inform MWRA that Army Corps of Engineers and US Fish & Wildlife Service want "adequate off-site mitigation" and that "mitigation is the most significant issue" for DEP

—from **DEP** minutes of private April 6, 2001 pre-permit conference with MWRA

The Conservation Commission requests that one to one remediation be provided for the area of the reservoir in which the water tanks are going to be constructed, either on-site or off-site

—**Quincy Conservation Commission** September 6, 2002 Order of Conditions

The MWRA proposes to mitigate the loss of 8.4 acres of waters of the United States by enhancing the remaining reservoir area and by creating 55,000 sq ft of wetlands. EPA believes that this mitigation plan is not adequate to replace the full extent of functioning aquatic resources at the site

—**EPA** May 22, 2003 comment letter on MWRA request for Sec. 404 permit

While the Habitat Suitability Index provides evidence that there will be an improvement in habitat as a result of the restoration and enhancement of the remaining portion of the reservoir, it does not address the permanent loss of over 8 acres of land under water. Therefore, the Department is requiring as a condition of this Variance that MWRA submit a supplemental mitigation proposal that will further supplement the fisheries and habitat functions of land under water that will lost as a result of this project.

—**DEP** July, 2003 draft Wetlands Protection Act variance

Furthermore, the request for an Emergency Certification does not describe a threat to public health or safety that will be abated by the specific activities that are proposed to be undertaken

—**DEP** August 20, 2004 denial of MWRA August 17 emergency certification request

I request that the Department of Environmental Protection require the MWRA to follow the Massachusetts Wetlands Protection Act and Massachusetts' long-standing no net loss of wetlands policy. The MWRA should be required to create or protect wetlands equivalent to those it proposes to eliminate at the Blue Hills Reservoir

—**Senator Brian Joyce**, April 7, 2005 letter to DEP Commissioner Gollodge

We urge DEP and MWRA to reconsider the project mitigation proposal and provide additional resource area mitigation such that there is no net loss

—**Milton Conservation Commission** April 24, 2005 letter to DEP Commissioner Gollodge

The project involves a “mitigation deficit” of 8.4 acres and comparable wetland creation should be required in conformance with the no net loss policy

—summary of August 29, 2005 Recommended Final Decision by **administrative law magistrate Mark Silverstein** on FBH appeal of Wetlands Act variance granted to MWRA by DEP

I believe it is appropriate that whereas the loss of wetlands is in the Quincy limits then the mitigation should also be performed within the city...It is important to our residents, our environment, and my administration that we continue to improve our wetlands and natural environment

—**Quincy Mayor William Phelan**, November, 2005 letter to MWRA director Fred Laskey

The century-old Blue Hills Reservation is a destination for people throughout Massachusetts who want to enjoy nature, actively and passively, in the largest public park in the Greater Boston area. I do not see anything in the project's specifications that convinces me the No Net Loss policy should be waived

—**Representative Robert K. Coughlin**, January 27, 2006 letter to House Rules Committee urging release of legislation he sponsored with Reps. Ayers, Galvin, and Timilty

As is clear from the comments above, a consensus emerged among those who would pay for the tanks and experience their effects. The consensus was that that the project would do major and permanent damage to valuable wetlands and parklands and that the damage needed to be compensated. This sentiment was formally communicated to MWRA and DEP many times.

We solicited many of these contacts but did not imagine that we were especially persuasive. Everyone who knows and uses the Reservation—including many in Milton, Quincy, and Dorchester who would be served by the tanks—understands what will be lost and what is at stake. What did surprise us was that none of the pleas had any effect at MWRA or the Romney administration. DEP Commissioner Robert Golledge overturned the magistrate's decision almost as soon as it was issued and MWRA started draining the reservoir two days later.

In hindsight it is obvious that community support was not nearly as important to MWRA as support from the executive branch. Long ago, in its original cost estimates, MWRA had neglected to budget for replacing wetlands, and replacing them would mean a different project, a project it has no appetite for. Although MWRA has no money except public money, it does not consider itself accountable to the public's representatives for how its money is spent.

HONOR AND FAINT PRAISE

Once Friends of the Blue Hills made clear that our support of the project was contingent on MWRA's willingness to replace the lost wetlands, we were branded as opponents and MWRA sought to exclude us from further participation in project planning. Hence we were unaware of developments that took place out of public view, such as the January, 2002 interagency meeting called by MWRA immediately following issuance of the MEPA certificate. At this meeting DEP committed to MWRA's project schedule even though MWRA had not yet even applied for a wetland permit.²

But we did know that the project was controversial even within MWRA, thanks to the minutes of Board of Directors meetings that were regularly posted to the web by the MWRA Advisory Board, typically within a few weeks of their occurrence.³ Here are some excerpts of these minutes, including comments by Norwood Town Manager John Carroll, the longest-serving member of the MWRA Board. MWRA named its \$340 million Southborough drinking water treatment plant after Carroll in 2005.

² The meeting was documented in DEP files that FBH obtained via a Public Records request in September, 2004.

³ For reasons unknown, these postings ended with the meeting of December 13, 2006.

November 7, 2001

Blue Hills High Service Storage and Low Service Storage Near Spot Pond -
Design/Build

The Board voted to authorize the filing of legislation to pursue alternative project delivery methods for the Blue Hills High Service Storage and Low Service Storage near Spot Pond projects. Staff stated that these storage areas have been underutilized for approximately thirty years. The purpose of reactivating them would be to ensure redundancy for the Norumbega covered storage tank.

*Staff stated that the cost of the Blue Hills High Storage project is approximately \$30 million, while the Low Service Storage Near Spot Pond is estimated at \$18 million. **Mr. Carroll stated that \$30 million is a great deal of money for a redundant tank. Mr. Laskey suggested that this project should be expedited quickly in light of recent security issues.***

March 9, 2005

FY05 Mid-Year Capital Program Performance Report

Mr. Carroll asked where the Authority stands in terms of covered storage. Specifically, he asked if the Authority has heard from the City of Quincy about the Blue Hills Covered Storage Project. Mr. Laskey said staff has not heard from Quincy on this matter.

Mr. Carroll suggested the Board give considerable thought to abandoning the Blue Hills Covered Storage Project, as Quincy benefits the most but has not indicated whether they want the project. Meanwhile, the Authority is getting attacked by the Friends of the Blue Hills and it is costing millions of dollars to fight them. Mr. Laskey confirmed that 92% of the project benefits Quincy but added the project rounds out the system and is a key part of the southern upgrades.

November 15, 2006

Blue Hills Covered Storage Design/Build Project: Barletta Heavy Division, Inc.,
Contract 6216

The Board voted, with Mr. MacRitchie opposed, to approve the award of Contract 6216, Blue Hills Covered Storage Design/Build Project, to Barletta Heavy Division, Inc. and to authorize the Executive Director, on behalf of the Authority, to execute said contract at the proposed price of \$37,766,275.00 for a term of 1,170 days from the Notice to Proceed.

Mr. Carroll asked if there any more appeals. Authority General Counsel Steven Remsberg stated that the Friends of the Blue Hills have appealed through the Massachusetts Appeals Court.

Mr. MacRitchie stated that although he is supportive of the project, he had to vote against the project until he has had an opportunity to discuss some concerns expressed by the Mayor of Quincy.

As is evident, Mr. Carroll early on questioned the value of the Blue Hills project, which he described as costly and redundant, and suggested that the support of Quincy was critical. Although that support never emerged—indeed, Quincy opposed the the November 2006 bid award to Barletta—MWRA forged ahead regardless, rejecting Carroll’s advice and ignoring the opposition of the community where the project would be built and which would, according to MWRA, receive most of the benefits.

A picture emerges here of an agency regarding itself as privileged to spend public money without the advice and consent of the citizens who provide it. In the MWRA view, apparently updated for the Blue Hills tanks, a project consistent with internal planning did not necessarily have to achieve any of the other three goals named in the 1999 *Evaluation and Recommendations* quoted earlier, namely “reasonable cost to water consumers, minimal environmental disruption, and community support.”⁴

A state authority that regards defense of its own prerogative as more important than responsiveness to the people it serves is not, alas, a new phenomenon, but it requires corrective action if we are to have what Jefferson called “a wise and frugal government” capable of “economy in the public expense.”⁵

QUINCY IS NOT WESTON

One reason the MWRA’s Blue Hills tank project failed to garner the support that MWRA once considered essential may lie in the contrast between the agency’s approach in Quincy and that it employed a few years earlier in Weston, where it built the now-completed 115 million gallon covered tank beside the Mass Pike. Here also a so-called “working group” was convened, but when opposition arose to placing the tank in the existing Norumbega Reservoir, MWRA moved the tank to a new, mostly upland location, and eventually agreed to replace all 2.1 acres of wetlands that were lost, as well as compensate the town for the taking of conservation land. The Weston working group grew into a legitimate entity with a defined membership and an ability to develop positions and record votes, and its ties with the Board of Selectmen and Conservation Commission helped ensure that its recommendations would carry weight in the community.

In contrast, once MDC parks supervisor Brian Broderick declared his opposition to filling the reservoir, MWRA abruptly ended meetings of the Blue Hills working group, and did not call it until back two years later, when it announced that it had selected the reservoir as its “preferred site,” making no mention of wetland replacement. At this meeting MWRA project manager Fred Brandon expressed the hope that the group would support MWRA’s decision and plan. But the group, which had not participated in the decision, remained inert and took no action. It met only once more, and no consensus emerged.

The Weston tank was supported by the Weston Conservation Commission and Board of Selectmen, in large part because of a mitigation agreement developed via the working group. But

⁴ see pg. 2

⁵ *First Inaugural Address*, March 4, 1801

the Blue Hills project was never modified in any major aspect and never won official endorsement in Milton or Quincy.

We don't know why MWRA worked for and obtained a large measure of local support in Weston but decided such support was unnecessary in the Blue Hills. We do know that DEP regulators who required wetlands to be replaced in the first project did not do so in the second, despite having made such replacement a constant feature of all state projects for twenty years, in keeping with the no net loss of wetlands policy formalized in 1990 by EOE Secretary DeVillars.

MWRA's ability to force MDC and DEP to accept the proposal and its accompanying uncompensated impacts, although presumably backed by the governor's office, did not translate into local support. The continuing lack of such support crippled the project and harmed MWRA efforts to present itself as a responsible and responsive public agency. Given MWRA's unconvincing public rationale focused on terrorist threats and "unexpected interruptions of supply," we began to wonder if the project might be intended for another purpose, and if that purpose might not be evident, if we knew where to look.

DUMB GROWTH

The Quincy end of the Blue Hills is at the southeastern edge of MWRA's water service area. Last year, hard-pressed by debt service payments incurred by the court-mandated Boston Harbor cleanup, MWRA announced plans to offset the ever-increasing prices it must charge for dwindling quantities of water by expanding service to as many as 22 additional communities including the South Shore towns of Weymouth, Hingham, and Hull.

Service to Weymouth would include an additional 1.4 million gallons per day provided to the Lennar Corporation's proposed SouthField development at the former South Weymouth Naval Air Base, including 2855 new residential units and two million square feet of commercial and office space. In 2005 a Lennar brochure identified MWRA as its "preferred alternative" to supply water to the development and stated that "MWRA officials and technical staff have indicated their interest in working with Lennar Partners to fully pursue this option."

Preliminary drawings produced by Lennar consultants Rizzo Associates show a new seven-mile pipeline running from the end of a MWRA line on Willard Street in Quincy through Braintree to the site. These drawings also highlight the nearby existing Blue Hills Reservoir, unused since 1981, and label it "Blue Hills Storage Facility."

We became interested in these materials because in all the permitting documents Rizzo submitted for the MWRA in support of the Blue Hills tanks, no mention is made of any role they could play in facilitating system expansion. The keynote is always "security and reliability of the water supply." We wondered if MWRA and Rizzo might have deliberately omitted this aspect of the project so as to avoid exciting suspicion that ratepayers were being recruited to finance a private development.

Last October Lennar released a draft environmental impact report for SouthField and the relationship between the new pipeline and the proposed tanks became clearer. Here is a portion of the comment letter we sent on December 8:

Certain portions of the DEIR, particularly Appendix F of the Appendices, indicate that water supply planning for the project assumes that MWRA infrastructure available to support the connection will include the so-called Blue Hills Covered Storage Project. For instance, the first page of Appendix F, a letter dated October 7, 2003, states that

Rizzo Associates, Inc. has completed a conceptual evaluation of alternative MWRA water transmission main routes from the Blue Hills Storage Facility to the South Weymouth Naval Air Station...the nearby Blue Hills Storage Facility is the primary water source for this MWRA connection

Reference to the Blue Hills project appears elsewhere in Appendix F, as in the graphic labeled Figure 1-1 on pg. 2479, which labels the Blue Hills Reservoir on Chickatawbut Road as “Blue Hills Storage Facility,” and the “MWRA Hydraulic Analysis,” which includes the following on pg. 2672:

General Assumptions: The Naval Air Station Development is expected to require water by the year 2009. At this time, it is anticipated that the Authority’s Blue Hills Covered Storage Facility will be on line

Before sending this letter, we called Lennar and asked a SouthField representative whether the proposed seven-mile pipeline extending MWRA water service from Quincy to the development site was indeed dependent on the tanks, as the documents suggested, or whether the extension would operate properly without them. If the former, we said, then the impact of the tanks on the Reservation was a project impact, and Lennar should have identified it in the report.

We were told that Lennar planned to build a storage tank at SouthField, and hence had no need for tanks in the Blue Hills.

OK, we said, but wouldn’t the tanks help to maintain pressure at the system’s periphery, and hence ensure that sufficient water made it to the end of the new seven-mile pipeline?

The representative declined to comment on this point.

The cost of the new pipeline has been estimated at \$25 million and, unlike the \$40 million Blue Hills tanks, it will not be financed by MWRA ratepayers. It will be paid for with bonds raised on 835 acres of land at SouthField that the Navy will turn over to the developers.

On December 15 of last year the commonwealth’s Executive Office of Environmental Affairs issued a certificate approving Lennar’s draft impact report, but required further information on certain points. On page 19 it states:

The MassDEP issued a variance from the Wetlands Regulations for the Blue Hills Covered Storage Project in Quincy. The Final Environmental Impact Report should also clarify the degree to which the preferred water supply alternative is dependent upon construction of the Blue Hills Covered Storage Project.

The final report is due May 31. We venture to predict that Lennar will not declare itself responsible for the loss of eight acres of clean open water in the Blue Hills Reservation—after all, as MWRA has said over and over, the tanks are solely intended to “improve system security and reliability.”

SouthField has been endlessly touted as a sterling example of “smart growth,” or development that, according to a definition recently published by the *Quincy Patriot-Ledger*, “mixes houses and commercial buildings in areas where sewer, water and public transportation, such as rail lines or bus service, already exist.”

But there is no water in Weymouth for SouthField; that’s why the proposed \$25 million seven-mile MWRA pipeline is Lennar’s “preferred alternative” for water supply. Incidentally, a representative of Rizzo Associates told the *Patriot-Ledger* in May, 2006 that the pipeline will have an “imperceptible impact” on protected wetlands.

If we assume that SouthField will be dependent on the \$40 million tanks as well as the \$25 million pipeline, then the total infrastructure cost of bringing water to the site will be at least \$65 million before the first gallon is sold. Even though MWRA water rates are among the highest in the nation, the agency will have to sell a lot of water before these costs are defrayed. The town of Needham, for instance, used an average of 1.3 million gallons per day of MWRA water in 2006, and was assessed \$800,000 for water in 2007. At buildout, SouthField is estimated to require 1.4 million gallons per day. Even if MWRA assesses SouthField as much as \$1.5 million for annual water use, that will not pay off \$65 million in startup costs anytime soon.

And so the MWRA plan to reduce pressure on water rates and ratepayers by spreading its debt among additional users needs to take into account the costs of reaching those users—but, as we know, the sole point of the \$40 million Blue Hills tanks is to “improve system security and reliability.”

One reason MWRA was able to obtain an unprecedented exemption from the Massachusetts Wetlands Protection Act to build the Blue Hills tanks—unprecedented because it was the first instance in a generation in which a state agency was permitted to fill wetlands wholesale without replacing them—was its claim that the tanks served an “overriding public interest.” But the public interest that MWRA named and that proved irresistible to the Romney administration was the security and reliability of the water supply, not the feasibility of new private development at the end of a seven-mile pipeline.

Here we see MWRA switching hats to suit itself. When it wants a free pass from environmental standards, in this instance the obligation to replace protected wetlands, it presents itself as the sole steward and purveyor of a vital public good, and hence worthy of a grant of immunity. But when it wants other things, namely to expand its base and sell to more users, it acts like a private corporation, treating water as a commodity and looking to capture an ever-increasing market share.

These roles are not easily compatible. In allowing MWRA, a public agency, to exploit the contradictions between them, the last administration may have done a huge favor for the Lennar Corporation, but it did nothing for the public interest in protecting wetlands and parklands.

LEADERSHIP AND ACCOUNTABILITY

Nothing is clearer at this point than the complete lack of public support for MWRA's \$40 million plan to permanently fill over half of the Blue Hills Reservoir, or MWRA's determination to go forward regardless.

Quincy opposes the project, and yet a contract was awarded in November over Quincy's objections. Most of the legislators whose districts border the area called for the eight acres of clean open water to be replaced, and yet no replacement will occur.

The reason we have reached this pass is that the last administration agreed with MWRA that a major MWRA decision regarding disbursement of public money required no consent from citizens providing the money. Similarly, this administration decided that any responsibility it had to protect the historic Blue Hills Reservation was trivial compared to the advantages to be gained by accommodating the project's contractors and promoters.

We do not assume that this letter has persuaded you that the tanks, if built, will not improve the safety and reliability of the MWRA water system. But it cannot be denied that insofar as governing involves a balancing of competing interests, one interest is a clear loser—the public interest in protecting wetlands and parklands.

From the beginning, MWRA set out to make sure that it would not become responsible for damages caused to wetlands and parklands, but would shift such damages to the public at large. The career employees at MDC and DEP who tried to prevent this shift were overruled, thanks to the project's friends in the administration. It may be that MWRA proceeded similarly in planning the larger tank in Weston, but in Weston the competing interests were heard and balanced, and the real costs to the environment were mitigated by the creation of new wetlands and the protection of additional land.

In our long struggle to make this project less damaging to the Blue Hills Reservation, we have made considerable progress in informing our constituency about its real costs and benefits. The core of our constituency are the citizens of Massachusetts who use and love the park, and you are hearing from them now. We expect few if any of them are urging you to take no action.

You are the head of the government. When the balancing of competing interests fails, as it has here, we naturally look to you to restore it. That the balancing has indeed failed is made obvious by the project itself—a \$40 million project not endorsed by a single elected official and which will generate the largest net loss of protected wetlands achieved anywhere in the commonwealth since 1984 or earlier.

When you ran for office you stated your ambition to bring government back to the people. We submit that with respect to this project, the people have spoken, and the people include not only ourselves but Mayor Phelan, Senator Joyce, former Representative Coughlin, the Quincy and Milton Conservation Commissions, and many others who understand the ever-increasing value of the century-old Blue Hills Reservation.

We ask that you suspend the tank project until MWRA agrees to replace the eight acres of open water that will be lost. Although this could be most easily performed at the far end of the park in Canton, by excavating the abandoned ramps at the north end of the Rt. 95/Rt. 128 interchange, we are not committed to any particular solution. These ramps, by the way, exist because your predecessor Governor Sargent reined in another public agency involved in capital construction that had developed an internal momentum making it deaf to the interests and wishes of the public it served.

If you were to do what we ask, MWRA will have to make a decision. If it decides, as Mr. Carroll suggested, that the proposed tanks are costly and redundant, it can immediately save its hard-pressed ratepayers \$40 million by cancelling the project, in a year when Quincy's water and sewer assessment, for instance, is recommended to go up nine percent.

If it decides, in contrast, that it cannot do without the system benefits that the tanks will provide, it will have to determine how to provide those benefits without imposing the lion's share of the costs on the Blue Hills Reservation and its protected wetlands. This is precisely the sort of decision MWRA and every other public agency in the commonwealth has had to make in the twenty years since the no-net-loss policy has been applied. Protecting wetlands is hardly controversial in Massachusetts; many hundreds of our citizens have had personal experience doing so as conservation commissioners. DEP successfully upheld the no-net-loss policy under four Republican governors. It did not break down until MWRA arrived in the Blue Hills.

So far as we can see, the only downside of honoring our request is that MWRA will not be able to build the project exactly as it was first outlined ten years ago. Our water system will be no more vulnerable to terrorists, and the Reservation will be just as open as it has ever been.

Ultimately this is a question of governance. Should government operate with the consent of the governed, or are there circumstances in which consent is unnecessary? At the Blue Hills reservoir MWRA tried and failed to win public support, and Friends of the Blue Hills tried and failed to protect wetlands. Please do not reinforce these failures by leaving the situation as it is. We urge you to give us a reason to support you further.

Sincerely

A handwritten signature in black ink that reads "Thomas Palmer". The signature is written in a cursive, flowing style.

Thomas Palmer
President