



Coalition Members

Public Agencies & Affiliates

- Town of Auburn
- City of Beverly
- Charles River Pollution Control District
- Cherry Valley Sewer District
- City of Chicopee
- Chicopee Water Pollution Control
- Town of Concord
- Town of Danvers
- City of Fitchburg
- City of Haverhill
- City of Holyoke
- Marblehead Water and Sewer Commission
- City of Marlborough
- Town of Northbridge
- City of Peabody Public Services
- City of Salem
- South Essex Sewerage District
- Springfield Department of Public Works
- Springfield Water and Sewer Commission
- Upper Blackstone Water Pollution Abatement District
- City of Worcester
- Town of Yarmouth
- Private Corporate & Legal**
- AECOM
- Bowditch & Dewey, LLC
- Camp Dresser & McKee, Inc.
- SEA Consultants, Inc.
- Weston & Sampson

January 11, 2010

The Honorable Anthony W. Petrucci, Senate Chair
The Honorable William M. Straus, House Chair
Joint Committee on Environment, Natural Resources & Agriculture
State House, Room 473-F
Boston, MA 02133

Dear Senator Petrucci, Representative Straus and Members of the Committee:

On behalf of the Massachusetts Coalition for Water Resources Stewardship (the Coalition), I am writing to express our very strong opposition to the Public Lands Preservation Act (PLPA, H. 3438) and to urge your committee to issue an adverse report on this ill-conceived measure.

The legislation proposes an additional completely unwarranted and unnecessary burden on public utilities that provide essential drinking water, wastewater and stormwater treatment and management services to the Commonwealth’s citizens and businesses. The services our members provide protect public health and the environment and contribute to economic growth.

Water suppliers engage in extensive land protection efforts in order to ensure high quality drinking water. Wastewater treatment facilities build infrastructure that is necessary to protect public health and the environment. H. 3438 would be a deterrent to our efforts to integrate water resource management with innovative measures such as using large open space tracts for stormwater and wastewater discharge to recharge dwindling groundwater resources. It would also be an obstacle to obtaining an easement for a water or sewer main through a park or for access to a reservoir, even if the pipe is 5 feet or more below ground. Public parkland lends itself to a dual environmental benefit – open space AND enhanced water resource management.

H. 3438 dictates that municipal land can not be disposed of or converted to other uses without a costly alternatives analysis to demonstrate there is “no feasible alternative.” It goes further and requires that comparable natural resource land be provided if land is transferred. Our customers are already under extreme financial pressure due to the economy and increasing water and sewer rates resulting from ever more stringent and marginally beneficial regulations.

A clear process already exists to protect public lands, as established by an amendment to the Massachusetts Constitution in 1997, known as Article 97. The amendment states that “lands and easements taken or acquired for such purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two-thirds vote, taken by yeas and nays, of each branch of the general



court.” Under the current law, the transfer of public land also requires a number of local votes before going to the Legislature. This Constitutional process ensures that all affected stakeholders have a say in the decision making, including local communities and utilities that may own the land and will surely bear the financial burden.

Our members are stewards of public and environmental health. H. 3438 would interfere with our ability to discharge our responsibilities and act in the public interest. We strongly urge you to reject H. 3438.

Sincerely,

MASSACHUSETTS COALITION FOR WATER RESOURCES STEWARDSHIP

A handwritten signature in black ink, which appears to read "Robert L. Moylan, Jr.", is placed below the printed name.

Robert L. Moylan, Jr., P.E., President
Commissioner, Department of Public Works and Parks
City of Worcester
20 East Worcester Street
Worcester, MA 01604

Cc: MCWRS Board of Directors