



Progress Report

What Went Right During Irene



The Gift of Membership

Honor Loved Ones Today



Five Questions For Jenny Rushlow

On Environmental Justice & Food



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COVER STORY

CLEANING BOSTON'S WATER: CLF's Landmark Settlement

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CLEANING BOSTON'S WATER:

CLF's Landmark Settlement

“BWSC’s forward-looking commitment to modernizing Boston’s pollution control with the use of ‘green infrastructure’ and other innovative techniques is critical to maintaining and protecting our long-term cleanup investment in Boston’s iconic waters. Boston is entering a bold new phase as a city poised to lead the nation in clean water.” — Anthony Iarrapino, CLF Staff Attorney

In August of 2009, Christopher Kilian, Director of CLF’s Clean Water and Healthy Forests program, stood on the bank of the Charles River. On this day, more than 25 years after CLF filed the first federal lawsuit to clean up Boston Harbor, Chris pointed to a paint-like scum on the river’s surface. “That’s what we’re trying to clean up,” he said. “That’s the result of illegal sewer connections and storm runoff into this river, and into Boston Harbor.”

CLF has long understood that Boston’s waterways are more than a backdrop to the city. They are vital to the health, economic prosperity, and quality of life enjoyed by Bostonians, but these waterways have been degraded by sewage and stormwater pollution. Thanks to a recent multi-faceted settlement with the Boston Water and Sewer Commission (BWSC), in which CLF was joined by the US Environmental Protection Agency (EPA), Boston’s water will benefit from much stricter controls, while green infrastructure, a key part of the agreement, will redraw the face of the city. As Anthony Iarrapino, CLF Staff Attorney, was quoted as saying on the front page *The Boston Globe*, “Boston is entering a bold new phase as a city poised to lead the nation in clean water.”



Boston was once labeled a “harbor of shame.” Almost 30 years after CLF filed the first federal lawsuit that led to the cleanup of the Harbor, it has reached a new settlement with the Boston Water and Sewer Commission (BWSC) that will dramatically clean up local rivers and the harbor.

Photo credit: Jack DiMaio @ flickr

health and safety. In places without adequate pollution control measures, runoff during and after rainstorms often contains harmful amounts of pollutants, including unhealthy concentrations of bacteria, oil and grease, and heavy metals. In New England, climate change is increasing both the frequency and intensity of rain storms, resulting in more polluted runoff reaching our rivers.

This runoff causes many problems. Polluted runoff can feed toxic algae blooms that make water unsafe for swimming, causes

unpleasant odors, and depletes oxygen levels, threatening fish and shellfish. The paint-like scums that have temporarily closed the Charles River this summer and in past years are a vivid example. In Boston, BWSC had fallen behind in its obligations to rid the city of hundreds of unauthorized connections to the city’s storm sewer system that release untreated sewage into Boston’s rivers and swimming beaches on the Harbor. BWSC’s approach to managing runoff from the city’s streets was also inadequate and outdated.

A GROWING THREAT

Climate change is increasing the threat stormwater pollution poses to water

As a result, many of Boston's rivers — including the Charles, Chelsea, Mystic, and Neponset — and Boston Harbor are being polluted by raw sewage and unhealthy amounts of bacteria in Boston's water, which can cause closures of beaches and shellfish beds. This pollution also threatens the health of economically-disadvantaged communities nearby, groups which already shoulder a disproportionate number of environmental hazards to their wellbeing.

CLF ACTION

To protect these communities and all of Boston's residents, CLF filed a citizen suit against BWSC in February 2010 for violating its Clean Water Act permit. The suit, which focused on BWSC's failure to control pollution from its storm drain system, petitioned for the expedited removal of illicit sewage connections from the system and the implementation of more effective controls to prevent pollution from flowing into the city's storm drains.

CLF's suit was further strengthened when the EPA joined the suit in December 2010, and in August 2012, when BWSC made



CLF staff take advantage of the Charles River for a canoe ride. Soon, the Charles will be even cleaner, thanks to CLF's lawsuit.

significant commitments to a more robust pollution-control approach.

The settlement requires BWSC to update and overhaul its stormwater management system. For example, CLF and EPA secured commitments from BWSC to implement new "green infrastructure" such as special tree and garden plantings that filter pollutants from runoff. BWSC also agreed to expedite its efforts to identify and remove illegal sewage connections pursuant to an enforceable schedule. These important measures will help protect the health of Boston's residents and waterways.

WHAT'S NEXT

Though Boston has now begun to take substantial steps toward cleaner water, more work lies ahead. CLF continues to advocate strongly for the overhaul of city stormwater management systems throughout New England and is committed to ensuring that city officials everywhere comply with public health and safety laws like the Clean Water Act. Water is a precious resource, one that we rely on for both work and play. Preserving our environment hinges on our ability to take care of that resource for generations to come.

Though each party approached the settlement with a vision for reshaping Boston's future, they did so knowing that their agreement builds on hard-won gains of the past. As Judge Stearns told the parties at the preliminary conference in the case, this is the last big unaddressed area in the Boston Harbor clean-up. CLF will keep working until the only place you will be able to find polluted waterways in Boston will be in the history books.



GREEN INFRASTRUCTURE?

When it comes to stormwater runoff, green infrastructure is a method of planning that replaces or supplements "grey infrastructure" — pipes, sewage drains, etc. — with the filtering and absorptive properties of grasses, soils, trees and other "green" natural elements. This low-impact form of development reduces both costs and adverse impacts, making it a sustainable and cost-effective way to manage stormwater. By using carefully selected soils and plants rather than pavement and pipes to treat and store runoff, green infrastructure literally greens a neighborhood. In addition to filtering and reducing runoff, the multiple benefits include providing habitat for wildlife, shading nearby buildings thereby reducing energy use and costs, and abating the "heat island effect." In the settlement, BWSC agreed to implement green infrastructure development — an agreement that will change the face of Boston.

ON THE ANNIVERSARY OF TROPICAL STORM IRENE:

The Untold Stories of What Went Right



“We have learned a lot over the last year about where recovery work in the wake of Tropical Storm Irene in Vermont went badly. There were also places where smart decisions and investments meant reduced flood damage. Those places have a lot to teach us as we prepare for a climate with more rain and more violent storms.”

— Lake Champlain Lakekeeper Louis Porter; Visit: clf.org/irene

BACKGROUND

In late August of 2011, Tropical Storm Irene struck Vermont, leaving significant damage across the state. The work done with excavators, bulldozers and trucks in Vermont rivers and streams, much of it unnecessary, badly done or far more extensive than necessary, added additional damage that may be far slower to heal, a problem Conservation Law Foundation has been active in pointing out and working to resolve.

However, it also became apparent during CLF's study and work around Vermont that there was another side to the Irene story. Although nearly every town in Vermont had some damage from the storm, there were places where prudent decisions, made well before Irene struck, protected property and people from flood damage. CLF's Lake Champlain Lakekeeper, Louis Porter, and David Deen of the Connecticut River Watershed Council, along with other partners including the High Meadows Fund and former Gov. Howard Dean, made two short documentaries telling the tales of such spots.

THE RESULTS

The first film focused on the wetlands and floodplains along Otter Creek, areas that captured, slowed down and weakened flood waters in that part of the state, significantly reducing flood damage such as erosion, sediment loading and increased phosphorus pollution.

The second film highlighted the culvert on Jenny Coolidge Brook, near the headwaters of the West River high in the Green Mountain National Forest. That culvert, replaced as part of a U.S. Forest Service program to increase the size of stream crossings in the forest, stood virtually unharmed after flood waters had come and gone, while other structures were washed out causing road and environmental damage and requiring costly replacement. The films can be seen here: www.clf.org/irene

BENEFITS

The two short documentaries, potentially part of a longer series on such stories, have received good marks from state agency heads, scientists, natural resource regulators and others. At a time when Vermont

is grappling with how to adapt to a wetter future with more frequent and more violent storms, the “What Went Right” videos are part of the effort to educate Vermonters and others on how things as different as wetland preservation and proper sizing of public infrastructure can not only protect the environment and the ecology of streams and lakes, but also save money in the long run and prevent flood damage and risk.

CLF IN ACTION

In collaboration with its partners, CLF has helped start a conversation about how a rural, mountainous state that depends economically on its environment and its landscape can begin to incorporate climate change when it considers where to build, how to build and the consequences of neglecting natural flood protections. This project also helped make the connection between climate change and damaging storms like Irene clear, furthering the case for reducing emissions of pollutants that contribute to it.

NEXT STEPS

There are more stories to tell about how climate change is and will continue to affect public and private decisions in New England, these include food systems and housing, as well as additional details about the implications for water quality and nutrient pollution.

WHERE CLF STANDS

CLF will continue to work to prevent the worst effects of climate change by reducing the production of greenhouse gases by advocating for energy efficiency, transportation alternatives and renewable sources of power. However, we now know that some effects will be unavoidable; preparation for flooding and other environmental effects of weather is a challenge of the upmost urgency.



HONORARY AND GIFT MEMBERSHIPS

What better way to pay tribute to someone special in your life than to give them the gift of a thriving New England?

Do you have family members who care about New England's environment, but don't know about CLF? Do you know someone who loves New England's ocean, mountains, rivers and forests? Someone who loves gardening or skiing or hiking? Someone who loves New England's communities? Then give them the gift of a membership to CLF. It's easy to do and will help us do protect New England for generations to come.

As Linda Cabot, a longstanding CLF member, says, "To maintain the health of the oceans, we need to engage a younger generation to advocate on its behalf, and I know that my daughters will want to be a part of that."

Honorary gifts are donations made to CLF in honor or memory of a person or people of your choosing. If you provide contact information, notification will be sent to your honoree informing them that a gift has been made in their honor to protect New England's environment. All honorees will also have their names listed in CLF's Annual Report.

Gift memberships are donations of \$50 or more that will grant the recipient a year-long subscription to CLF's quarterly publication about our hard-hitting environmental advocacy work across New England—Conservation Matters. As members, they will also receive our regular e-communications, including monthly eNews, Action Alerts, and invitations to local community events. Help us keep New England thriving. Give the gift of CLF membership. Visit us here or contact Lisa Buchanan: www.clf.org/gift

Please consult your financial advisor.

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Contact us today to learn more about giving to CLF.

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www.clf.org/donate/

JENNY RUSHLOW

Staff Attorney, Massachusetts CLF

Many of CLF's battles are as important for their promise of correcting discrimination as they are for their positive impacts on the environment.



and multiple sclerosis clusters. Getting to know an organizer from one of these communities, who was battling cancer herself as she fought to give her neighbors a seat at the decision-making table – to tell their story and fight for change for their families – was inspiring, and set me on my life's path.

Why is environmental justice important to CLF?

New England is a region full of diverse communities with plenty to celebrate. However, we are not immune to institutional racism and classism. Many of CLF's battles are as important for their promise of correcting discrimination as they are for their positive impacts on the environment. For instance, promoting access to transit in Boston is centrally important both to greenhouse gas reduction and protecting a basic resource for Boston's low income communities and communities of color – many of whom do not have cars, and bear disproportionate harm from nearby highway air pollution without gaining any of the transportation benefits.

Environmental justice emerged as a movement in the 1980s. How much progress have we made since that time?

There may be fewer policies that overtly reflect environmental racism now than there were before the movement began – though examples can still be found. But institutional racism and classism persist. The aftermath of Hurricane Katrina is

an example of the type of modern environmental justice problems we face. As climate destabilizes, coastal communities will suffer the most – and globally, these communities are by and large lower income communities of color. Locally, we continue to see unfortunate examples such as proposals to site polluting power plants in environmental justice communities that already suffer from disproportionate air pollution impacts.

In addition to your environmental justice advocacy, you lead CLF's Farm & Food Initiative. You're an urbanite - has city life limited your ability to engage with agriculture?

I'm thrilled to lead CLF's Farm & Food Initiative, which is very connected to our environmental justice advocacy! Thankfully, city life has not at all limited my ability to engage with agriculture. I've got a community garden plot in Jamaica Plain that I like to think of as my own "mini-farm." While I could probably live off of the produce grown in my garden, I somehow manage to also find room for my weekly community supported agriculture (CSA) share from Allandale Farm – Boston's last working farm – which is less than two miles from my home. Part of the trick to finding room for all that food is preserving, and I "can" regularly with fellow urban-agriculture-philes. I'm able to eat locally and sustainably grown food most of the year, which provides great balance to an urban lifestyle.

Environmental justice advocacy plays a big role in your work and life in general. How do you define environmental justice?

The environmental justice movement seeks to change the current reality that low income communities and communities of color are disproportionately exposed to environmental harms and inequitably denied access to environmental "goods," such as safe open space for recreation, and healthy food.

What drew you to become involved with the environmental justice movement?

During college, I spent some time in the area surrounding my little college town of Oberlin, Ohio. Some nearby post-industrial towns had devolved into a sea of abandoned and polluted industrial lots that are the suspected causes of cancer



stockphoto

MAINE

- A lawsuit filed by CLF ME against the Environmental Protection Agency (EPA) resulted in the agency determining that the state should restore alewives to the St. Croix River. After the Maine Attorney General failed to act on this determination, CLF ME sued the state, seeking the restoration of this important fish to 99% of its natural spawning grounds in the St. Croix.
- Sean Mahoney, VP & Director CLF ME, was named Executive Vice President and Director of Programs, CLF.

MASSACHUSETTS

- CLF announced the launch of Cape Wind Now, a truth squad campaign that will shine a spotlight on the dirty energy money behind the opposition to Cape Wind. Visit: www.capewindnow.org
- Almost thirty years after it filed the first federal lawsuit leading to the cleanup of Boston Harbor, CLF reached an agreement with the Boston Water and Sewer Commission (BWSC) to significantly enhance control of pollution in runoff during storm events and eliminate il-

legal sewer connections that can cause raw sewage discharges into the city's rivers and directly into the harbor.

- Continuing its opposition to the Palmer Renewable Energy (PRE) biomass power plant proposed for Springfield, MA, CLF, Arise for Social Justice, Toxics Action Center and a dozen residents filed a new lawsuit to overturn a state permit that would allow the plant to emit harmful air pollution in an environmental justice community.

NEW HAMPSHIRE

- CLF exposed evidence of unfairness and bias in the environmental review of Northern Pass, including the abdication of important, non-delegable responsibilities to Northern Pass's developer by the Department of Energy. As a result, members of NH's Congressional delegation and hundreds of concerned citizens have joined CLF in insisting that DOE conduct a fair, unbiased review of Northern Pass.
- Officials from Portsmouth, Dover and Rochester – in their continuing campaign to delay critically important pollution reductions in the Great Bay estuary

– have put the Environmental Protection Agency (EPA) on notice that they intend to file suit over the nitrogen discharge levels being proposed in their wastewater treatment permits.

RHODE ISLAND

- CLF is beginning the review of a small-scale demonstration wind project off the coast of Block Island in Rhode Island. Construction and operations plans have been submitted and both state and Army Corps of Engineers environmental review processes have begun.

VERMONT

- To mark the anniversary of Hurricane Irene, CLF joined with the Connecticut River Watershed Council (CRWC) to produce two short films narrated by former Gov. Howard Dean. You can watch those videos here: www.clf.org/irene

VENTURES

- CLF Ventures released a video detailing the benefits of efficient four-stroke diesel engines. The project follows a 2011 grant from the EPA to help two New England fishing and whale watching vessels replace their aging, inefficient engines.

FOLLOW CLF ONLINE

Sign up for email alerts @ clf.org

In between quarterly issues of *Conservation Matters*, make sure you stay informed of what CLF is doing and how you might be able to get involved. Doing so is easy – just find us at any one of the following websites.

- CLF's blog: clf.org/blog/
- Twitter: @theclf
- Facebook: facebook.com/TheCLF
- LinkedIn
- Google+

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LETTER FROM THE PRESIDENT



Dear CLF Friends,

Forty years later, would we pass the Clean Water Act (CWA) today? It's a question that Christopher Kilian, Director of our

Clean Water and Healthy Forests program, recently asked on the 40th anniversary of that ambitious and forward-thinking law. It's a version of a question that I've asked myself many times: can we do today what needs to be done now?

Fifty years ago the world was gripped by the Cuban Missile Crisis. The mindset that most American baby-boomers grew up with – the entire world could change very drastically and permanently, during our lifetime if not during the afternoon – is still embedded in our psyches.

We need to tap that well of concern, now. The world is changing dramatically. Everybody who goes outside knows that. Unlike the destruction-in-a-flash that many of us grew up imagining, it's now change-within-

a-decade, or change-by-next-growing-season. And we're not imagining it. We're experiencing it.

Take the event of Hurricane Irene, featured in this issue. Predictions from climate scientists are that severe storms – perhaps as severe as Irene, or Sandy, which is raking our region as I write this – will become more frequent as our climate changes. If so, the lessons that Louis Porter, CLF Lake Champlain Waterkeeper, shares about what went right during the storm (*see p. 4*) are critical to our future. So too is the cover story. Nearly 30 years after we filed the first federal lawsuit leading to the cleanup of Boston Harbor, we're still at it.

The forces imperiling the planet now are as powerful as the forces we faced fifty years ago, if not more so. But they are not impenetrable. Smart, inspired and hopeful people all over are finding ways to bend those forces toward a better future. It is our responsibility to help them.

Best,

John Kassel

John Kassel
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