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DEFENDING *the Charles*

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DEFENDING THE

Closing the Clean Water Gap and Making All Polluters Pay

The Charles is one of Massachusetts' most iconic rivers, but toxic blue-green algae blooms [far right] are a major threat to its overall health.

Stormwater pollution is hurting the Charles River, the fish and wildlife that depend on it to be healthy – and the communities that pay when it's not.

Take a stroll along the Charles River on a July weekend and you'll see why it's considered one of the busiest watersheds in the country. Joggers and walkers tread its shoreline paths; canoes, kayaks, and sculls ply its waters; and recreational boats drift along its currents.

But this summer scene is not as idyllic as it seems. Far too often, these beautiful afternoons by the water are marred by toxic blue-green algae blooms. Those blooms don't just smell and look bad – they're bad for our health and that of our children, our pets, and the fish, plants, and other aquatic life that call the Charles home.

Progress – But Not Enough

It wasn't so long ago that the Charles was one of the dirtiest rivers in the country. Today, thanks to CLF, the Charles River Watershed Association (CRWA), and others, Massachusetts' iconic river is on the mend. But despite these decades-long clean-up efforts, says Margaret Van Deusen, CRWA's Deputy Director and General Counsel, "we still have a ways to go overall to rejuvenate the Charles River and its water quality."

The biggest issue facing the river today, says Van Deusen – and the underlying cause of those toxic algae blooms – is phosphorus pollution from stormwater runoff.

Along the Charles' 80-mile course from Hopkinton to Boston Harbor are thousands of acres of strip malls, office parks, and other industrial development, along with their flat roofs and huge parking lots. "Eighty percent of the land area in Greater Boston today is paved," says CLF's Christopher Kilian, Vice President for Clean Water. "All those water-resistant surfaces add up to trouble when it rains."

Back when the Charles flowed through a largely natural landscape, rainwater was absorbed by the ground, which acted as a natural filter for pollutants before the water eventually drained into the river. Today, though, stormwater gushes off those roofs and parking lots, picking up debris, fertilizer, and other harmful pollution along the way. The result: a contaminated soup of dirty water draining into the Charles, Boston Harbor, and other rivers, lakes, and streams across New England.



CHARLES



Courtesy of CRWA

A major ingredient in that soup, phosphorus feeds those massive blue-green algae outbreaks. This is just one reason why the Charles is so often subject to advisories for fish contamination and unsafe boating. Phosphorus also fertilizes harmful invasive species such as water chestnut, which in turn crowds out native plants, creating a cycle of deteriorating water quality throughout the watershed.

Phosphorus and stormwater pollution are entirely preventable problems. With effective implementation of the Clean Water Act by the Environmental Protection Agency, this entire destructive cycle could be halted.

Bringing All Polluters into the Clean Water Act Fold

It's no mystery to EPA who the biggest stormwater polluters are. "On a per acre basis, industrial, commercial, and high-density residential areas contribute the greatest amount of phosphorus to the Charles River – 62 percent of the total phosphorus load to the lower Charles River alone," says Van Deusen.

EPA not only knows who the biggest privately owned stormwater dischargers are, it also has the legal authority and obligation to hold them accountable. In fact, the Clean Water Act requires these stormwater polluters to obtain a permit for their discharge. But, despite decades of experience that prove that permits work – polluters directed by a permit lower their dirty stormwater discharges drastically – EPA has failed to enforce this basic tenet of the law.

If polluters are able to flout the law with EPA's knowledge, then who's on the hook for their damaging stormwater pollution? The cities and towns – and, by extension, taxpayers – that line the Charles' shores. That's why, in April, CLF and CRWA joined together to file a federal lawsuit against EPA to force the agency to live up to its legal responsibility. "Municipalities are being held to an appropriate clean water standard, but one which they are already struggling to meet," says CLF's Kilian. "Meanwhile the commercial and industrial facilities that are a huge part of the problem get to continue polluting the Charles with no consequences."

The ultimate bottom line, continues Kilian, "is that stormwater pollution is hurting the Charles River, the fish and wildlife that depend on it to be healthy, and the communities that pay when it's not." A successful outcome to this lawsuit will mean that hundreds of commercial, industrial, and institutional polluters along the river's route will finally be required to obtain permits. Those permits would not only control the stormwater pollution those businesses can discharge – and with it, phosphorus loads to the river – but also ensure they are paying their fair share of the costs for its management.

That outcome wouldn't be a success just for the Charles, however. A win here in New England could set a groundbreaking legal precedent nationwide, in which commercial and industrial polluters could be held accountable for their stormwater discharges in watersheds across the country – setting many more of our rivers, lakes, and streams on the path to being fishable and swimmable for all.



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CHILDHOOD LEAD POISONING

Childhood lead poisoning
is entirely preventable.
We must do a better job in
New Hampshire and else-
where in New England
to protect our children's
health and future.

– Tom Irwin, Vice President and Director,
CLF New Hampshire

THE PROBLEM

Long recognized as a dangerous toxin that can result in serious health problems, lead was removed from our gasoline and paint decades ago. But the problem of lead poisoning in children has not gone away. With so many New England houses and apartment buildings constructed before the 1978 lead-paint ban, tainted paint remains in many homes. As that paint deteriorates or is disturbed, children's health is put at risk.

According to the Centers for Disease Control, any exposure to lead is dangerous for children. Even low levels of lead exposure can cause irreversible health problems when left untreated – including IQ deficits and cognitive and behavioral issues, effectively robbing children of their full potential. And, while the problem hits low-income and communities of color hardest, it affects children across all demographics throughout New England.

In New Hampshire, more than 1,000 new cases of lead poisoning are diagnosed each year. While that number is alarming on its own, the scope of the problem is likely much worse, since too few children – barely 40 percent of those considered highest risk for exposure – are actually tested each year. The lifelong health impacts those children will experience are troubling enough, but a recent report from New Hampshire reveals that the long-term costs go beyond the individual

child. The report estimates that the 1,000 children diagnosed in the state just in 2013 will lose \$240 million in collective lifetime earnings. The costs for special education, medical treatment, and crime linked to lead exposure add up to millions more dollars in economic impact.

CLF IN ACTION

Protecting the people of New England – especially its most vulnerable populations – from environmental poisons is core to CLF's work. Over the past year, CLF has brought together a diverse group of New Hampshire stakeholders – public health officials, children's advocates, property owners, and lead professionals, among others – to develop meaningful, long-lasting solutions to the state's ongoing problem of childhood lead poisoning.

PROGRESS

Experts agree that the two most critical tools in addressing childhood lead poisoning are improving screening and, of course, preventing children from being poisoned in the first place. CLF took a lead role in crafting statewide legislation to address these needs, which the New Hampshire legislature passed in June with overwhelming support. CLF and its partners have also been working to identify needed solutions at the community level, with a focus on the City of Manchester, where the problem is particularly acute.

NEXT STEPS

As of this writing, Governor Hassan is expected to sign the state lead bill into law. CLF will be tracking the bill's implementation while continuing to work with its partners to review and improve policies so that every child in New Hampshire can be protected from this devastating – but preventable – problem.



WHY I GIVE

CLF Massachusetts Board Member Chi Ho Sham, Ph.D., is an expert in drinking water source protection and the use of geographic information systems in natural resource management. We're grateful to Dr. Sham and his family for their support of and commitment to our work.

“Having grown up in Hong Kong, water, both in terms of quantity and quality, is a huge issue to me. Getting water-borne diseases and having my mother issued boil-water orders every morning are some of the reasons why I have devoted the rest of my career to working on drinking water, source protection, water quality, and resource management.

The big challenge in New England in the future has to do with the management and control of diffused pollution sources – such as septic systems, stormwater, certain farming practices, and climate change. CLF is uniquely positioned to address these and other environmental and conservation issues in New England. Using law as an instrument to protect the environment and public health of New England, on the basis of sound science, sets CLF apart from other environmental organizations in the region.”

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A forceful voice for action on climate change, Rhode Island's junior senator delivers a weekly "Time to Wake Up Speech" on the Senate floor to compel his colleagues to address the growing climate crisis. In June, he introduced his second carbon tax bill aimed at lowering emissions.

Senator Sheldon Whitehouse



1 You've given more than 100 "Time to Wake Up" speeches. What prompted you to start giving these speeches and what keeps you going?

I give these speeches because climate change is real, and because the cost of Congress' inaction is too high for our Ocean State. I keep going because I am confident that we can break through the barricade of special interests that have been blocking action on this issue, and that doing so will strengthen both our economy and our democracy.

(thanks to Citizens United), there has been little incentive in Congress to upset the status quo. But President Obama's carbon pollution standards for new and existing power plants have changed the calculus for the fossil fuel companies: They no longer get to pollute for free. The costs of complying with those new standards may make them more open to legislative alternatives, like an economy-wide carbon fee. And when the polluters' calculus begins to change, the political calculus here in Congress changes, too.

2 What worries you most about the impact climate change is having in Rhode Island and New England?

In Rhode Island, our way of life is tied to the ocean, where the effects of climate change are the most evident. Sea level at the Newport Tide gauge is up nearly 10 inches since the 1930s. Recent storms have flooded our water treatment facilities and washed beachfront homes off their foundations. Winter water temperatures in Narragansett Bay are up three to four degrees Fahrenheit since the 1960s. Our fishermen are catching species that were never seen in their fathers' and grandfathers' nets. As one fisherman told me, "It's getting weird out there." These changes are already taking their toll on our communities and our economy.

4 What role do you see environmental advocacy organizations like Conservation Law Foundation playing in moving forward solutions to climate change?

By bringing important legal cases, organizing stakeholders, and holding decision makers accountable, Conservation Law Foundation and other advocacy groups help Americans understand the stakes of climate change and find powerful ways to take action.

3 What is it going to take to get Congress to take meaningful action on climate change?

With the big polluters pouring unlimited amounts of money into our elections

5 What do you love most about Rhode Island and New England?

The things I love most about Rhode Island and New England are precisely the things that make me so passionate about climate change: our oceans and coasts. I love days at the beach, sailing on the bay, and fresh seafood hauled in by our local fishermen. These things make our state truly special, and they are worth fighting for as climate change continues to threaten them.



MAINE

In May, CLF celebrated the Maine launch of its Legal Services Food Hub, which provides pro bono legal services for farmers, food entrepreneurs, and the organizations that support them. First piloted in Massachusetts last year, the Hub kicked off in Portland with a breakfast for local attorneys and special guests including Representative Chellie Pingree. To date, in both states, more than 80 skilled attorneys have volunteered their pro bono services to help more than 25 farmers and food entrepreneurs with legal issues. Learn more at www.legalservicesfoodhub.org.

MASSACHUSETTS

The MBTA's winter woes put a spotlight on the aging transit system in recent months. Given CLF's long history of advocacy for a more equitable and accessible system, Senior Attorney Rafael Mares became a go-to expert for media outlets during the crisis. CLF is now pushing to ensure that, as legislators consider options for addressing

needed changes at the MBTA, they do not focus solely on management reforms, but also address the T's long-standing revenue issues.

NEW HAMPSHIRE

The Great Bay–Piscataqua Waterkeeper® is back on the water following a successful winter of advocacy for the fragile waterway. Of particular note was a victory in Exeter, where local advocacy groups roused citizens to reject a proposal that would have shrunk wetland buffers to allow for new development. As efforts to roll back wetlands protections are likely to continue, however, CLF's Waterkeeper will keep working to safeguard local water quality protections in Exeter and across the Great Bay watershed.

RHODE ISLAND

In April, Deepwater Wind kicked off construction on the country's first offshore wind farm, which will be built off the coast of Block Island. CLF's

on-the-ground advocacy for renewable energy development and role in advancing ocean planning at the state and regional level helped set the stage for the approval of Deepwater Wind last year. Turbines are expected to start spinning by the end of 2016, marking another significant milestone in New England's march towards a clean energy transformation.

VERMONT

In his January inaugural address, Governor Peter Shumlin made cleaning up Lake Champlain and other ailing waterways the centerpiece of his legislative agenda. In May, the legislature approved a bill aimed at limiting phosphorus runoff from farms, roads, roofs, and parking lots, which causes toxic blue-green algae blooms and other water quality issues. CLF has pushed for state action on Lake Champlain for years and is encouraged by the Governor's and legislature's efforts on this critical issue.

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

- CLF's blog: clf.org/blog/
- Twitter: @thecclf
- Facebook: facebook.com/TheCLF
- LinkedIn: linkedin.com/company/Conservation-Law-Foundation

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LETTER FROM THE CHAIR



I'm pleased to announce that Conservation Law Foundation has named a new president, Bradley M. Campbell. Brad is a nationally

recognized environmental leader and energy entrepreneur who has held senior roles at the White House, the U.S. Environmental Protection Agency, and the New Jersey Department of Environmental Protection. Most recently, he served as principal of the law firm he founded in 2006, which focused on issues involving the environment, energy, entrepreneurship, and science.

We are thrilled to have Brad leading the CLF team. For 25 years, Brad has been at the forefront of shaping some of the country's most significant environmental policies and laws, including the landmark Regional Greenhouse Gas Initiative. His depth of experience, national reputation, and expansive network will take our work to unparalleled heights during a critical time as we work to build our clean energy future, counter climate change, and safeguard the health and prosperity of New England communities.

Though Brad has lived in New Jersey for many years, he's no stranger to New England. An avid sailor, Brad and his wife Kathryn have sailed from New Jersey to their summer home in Maine, and they also have family roots in New Hampshire. While Brad officially takes the helm on September 8, 2015, he will be spending a lot of time in New England this summer getting to know the CLF community.

I want to thank the entire CLF community for your support as we've searched for our next president. Thanks to your unwavering commitment to CLF, we've been able to continue our work without pause and have already achieved many milestones this year.

I look forward to you getting to know Brad. He is going to be a positive force for CLF's future and for the environmental and economic security of the people of New England.

Sincerely,
Sara Molyneux *Chair, Board of Trustees*

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