

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Town of Natick
Water Management Act
20-Year Permit **#9P3-3-20-198.01**

Dkt. No. 2010-_____

MOTION TO INTERVENE AND APPEAL

This is a motion to intervene and appeal for an adjudicatory hearing on Water Withdrawal permit # 9P-3-20-198.01 (the permit) issued to the Town of Natick (Natick), dated February 26, 2010. Charles River Watershed Association, Inc. (CRWA), and a ten-person group alleging damage to the environment are intervening and CRWA is also directly appealing the permit. The ten-person group is moving to intervene both to support the Department of Environmental Protection's (DEP) authority to impose certain conditions in the new permit and for modification of these conditions to protect the environment. A copy of the permit is attached hereto.

In violation of the Water Management Act (WMA), G.L. c. 21G, § 1 *et seq.*, and its regulations at 310 CMR 36.00, Natick's permit fails to preserve and protect the Charles River, fails to minimize the impact of the water withdrawals on water quality, navigation, water-based recreation, wetland habitat and fish and wildlife, exceeds the safe yield of the basin, and fails to ensure an appropriate balance among competing water withdrawals and uses. The permit conditions and provisions in combination with other authorized withdrawals will continue to cause significant damage to the environment and will also result in continuing violations of state surface water quality

standards.

The permit authorizes Natick to withdraw 1.31 million gallons per day (MGD) in addition to the 0.22 MGD previously registered to the Town pursuant to Registration Statement #3-20-198.01 from groundwater sources in the Charles River basin. The permit authorizes withdrawals from Elm Bank Wells # 2 and 4. Natick increases its July and August withdrawals from the Elm Bank wells and is authorized to pump a maximum of 2.20 MGD from these wells. Natick also has a registration to withdraw 4.10 MGD from the Concord River Basin.

A. Natick's Withdrawals Are Causing Damage to the Environment

DEP has authorized water withdrawals totaling 45.6 MGD in the Charles River basin from both ground and surface water sources.¹ These withdrawals have reduced, and will continue to reduce, streamflow in the Charles River and its tributaries altering the hydrology and natural flow regime and resulting in damage to the environment, including degraded fisheries and aquatic habitat, and impaired water quality. "The entire river suffers from low flows, raised temperatures, lower dissolved oxygen levels, increased concentrations of nutrients and other pollutants, accelerated eutrophication, the conversion of wetlands to uplands and decreased riverine and riparian habitat." Charles River Watershed Plan (2007).

The river segment where Natick's wells are located is listed as Category 5 on the Massachusetts 2008 Integrated List of Waters and is listed as impaired for DDT, Eurasian Water Milfoil, *Myriophyllum spicatum*, Excess Algal Growth, Fishes Bioassessments,

¹ This includes 2.88 MGD registered to the Milford Water Company (MWC) and 0.55 MGD that DEP expects to authorize in a new permit for the MWC.

Non-Native Aquatic Plants, Other flow regime alterations, Nutrient/Eutrophication Biological Indicators, Phosphorus (Total), PCB in Fish Tissue, and Other.

Groundwater withdrawals located near the river and its tributaries are a primary factor in causing the unnaturally low flows. There is a direct hydrologic connection between surface water and groundwater in the Charles River Basin. The Charles River is mostly fed through groundwater, which provides baseflow to the river and its tributaries (collectively, the river). Baseflow is what keeps the river flowing between rain events and during the summer months.

Withdrawals from groundwater wells deplete surface waters by capturing water that would otherwise flow into the water body and by “inducing infiltration,” or drawing water from the water body into the well.² Natick’s Elm Bank wells # 2 and #4 are bank-side wells. Roughly 90 percent of Natick’s withdrawals result from induced infiltration from the river. During low flow conditions the river’s water quality is impaired and habitat is lost, harming fish and other biota.

The *Indicators of Streamflow Alteration, Habitat Fragmentation, Impervious Cover, and Water Quality for Massachusetts Stream Basins* (USGS 2010), shows the depletion of August median streamflow to be greater than 20 to 30 percent in the middle watershed where Natick’s withdrawals are located. The depletion of the median annual 7-day minimum streamflow is 40 to 100 percent. *Id.*

Fisheries’ data and sampling by MA Division of Fisheries and Wildlife (DFW) and CRWA in the mainstem and tributaries show that Charles River fish populations

² Induced infiltration is the water that is depleted from surface water by the pumping of a well. It not only reduces baseflow, but it actually dries out the stream when the water table falls below the streambed. Baseflow is the water flowing into the river from groundwater, supplying the flow not provided by direct precipitation, snowmelt or runoff.

have suffered in terms of species population and diversity. DFW's recent study documents that 99 percent of the fish species found in the Charles are macrohabitat generalists, or warm pond-type fish, compared to river-type fish, or fluvial species, which need flowing water for at least a portion of their life cycle. Kashiwagi and Richards, *Development of Target Fish Community Models for Massachusetts Mainstem Rivers, Technical Report* (2009). Scores for species, habitat use categories and tolerance categories "were among the lowest calculated in Massachusetts." *Id.* at 16.

About 41 water supply wells with Zone IIs intersecting either the Charles or one of its tributaries are located between the Medway and Dover US Geological Survey (USGS) gages. Natick's withdrawals with others in the same sub-basins and upstream cumulatively impact flows in the middle section of the Charles River and in its tributaries. The Charles River's physical, chemical and biological integrity has been seriously impaired by the authorized water withdrawals and resulting loss of flow in the river. Locally, Elm Bank wells #2 and #4 alone deplete the August median flow from mainstem subbasins by 85 percent.

B. Good Cause Exists to Allow Intervention.

Pursuant to 310 CMR 1.01(7)(b), a motion to intervene must address why intervention should be allowed; 2. relief sought; 3. law in support of intervention and of the relief sought; and 4. effect of the adjudicatory proceeding on those making the motion. As noted in two recent administrative rulings on intervention under the WMA, "it has been well-settled in adjudicatory decisions of the Department that the applicable precedent would provide a sufficient basis for intervention by . . . [a watershed association] in this matter." *In the Matter of Town of Hamilton*, DEP Dkt. No. 2008-025,

Ruling on Motions for Intervention (*Hamilton Ruling on Intervention*); *In the Matter of City of Peabody*, DEP Dkt. Nos. 2008-013 and 014, Ruling on Motions for Reconsideration of Intervention Rulings (*Peabody Ruling on Intervention*). No administrative decision has denied intervention in a WMA appeal to a ten-person group asserting damage to the environment.

1. Intervenors meet the requirements of 310 CMR 1.01(7)(d) and (e) and should be granted party status.

Intervenors are those who are “substantially and specifically affected by the adjudicatory proceeding . . . or who have the constitutional or statutory right to intervene without showing that they are substantially and specifically affected.” 310 CMR 1.01(7)(d). By virtue of their intervention, intervenors are “aggrieved persons” under the WMA regulations. 310 CMR 36.40(2).

The interests of protection of rivers and watersheds, water quality, navigation, water-based recreation, wetland habitat, fish and wildlife, conservation and promotion of biodiversity are “within the zone of interests of the Water Management Act.” *In the Matter of: Town of Hanson*, DEP Dkt. No. 2000-081, Ruling on Motion to Dismiss for Lack of Standing (*Hanson Standing Ruling*); *Peabody Ruling on Intervention*.

Intervenors seek to protect these interests. DEP is also charged with managing ground and surface water as a single hydrological unit. G.L. c. 21G, §§ 3. Ground and surface water are hydrologically-connected in the Charles watershed.

2. CRWA’s Intervention/Appeal:

CRWA and its members are substantially and specifically affected by the new permit issued to Natick and CRWA will suffer concrete injury from the permit.

CRWA is a non-profit Massachusetts association incorporated in 1964 with a

principal place of business at 190 Park Road, Weston, MA. The charitable purpose for which CRWA was incorporated under Massachusetts law is to protect the Charles River and its watershed. CRWA is dedicated to protecting and enhancing water quality and quantity, fish and wildlife habitat, recreational opportunities and scenic values of the Charles and its watershed.

CRWA's members are concerned about the health of the Charles River, its natural resources and its contributing watershed. Its members include individuals and families who are anglers, canoeists, kayakers and educators. Some of CRWA's members own real property abutting the Charles River and its tributaries. CRWA's members use the river, its tributaries and banks for fishing, canoeing, kayaking, hiking, bird watching, photography, passive recreation and education. Its members value the river's scenic beauty, its wildlife, avian, wetland and aquatic habitat, its natural resources and its recreational opportunities (collectively, "resources").

The permit authorizes withdrawals that alone and in combination with other authorized withdrawals reduce streamflow, harming the river system and its resources. The use and enjoyment of the river and its resources by CRWA's members has been and will continue to be impaired by the low flows in the Charles and its tributaries. CRWA and its members have suffered and will continue to suffer harm to their conservational, recreational and aesthetic interests from the permit.

The interests of the corporation and its members are harmed by Natick's withdrawals, which alone and in combination with other authorized basin withdrawals reduce streamflow, alter the river environment, reduce aquatic habitat and fisheries and impair the ecosystem. Despite CRWA's interest in protecting the Charles River, its

tributaries and its resources, the impacts of Natick's water withdrawals pursuant to the new permit alone and with others interferes with and prevents CRWA from achieving its organizational purpose. *See, Peabody Ruling on Intervention; Hamilton Ruling on Intervention; Hanson Standing Ruling.*

Additionally, CRWA has a long history of involvement in issues relating to water quantity and quality in the Charles. Due to its concern about the environmental damage that withdrawals are causing and will continue to cause in the watershed, CRWA has reviewed and submitted extensive comments on every draft or final WMA permit and modified permit issued in the watershed in the past seven years.

CRWA also expends funds, time, and staff resources to “secure the preservation and protection of the . . . [Charles] River’s water quality and quantity, fish and wildlife habitat, recreational opportunities and scenic values[.]” *Peabody Ruling on Intervention*, by:

- a) monitoring the condition of the river and tributaries, taking measurements of water depth and streamflow, dissolved oxygen, temperature and sampling for pollution on a monthly basis, and to conduct additional specialized sampling;
- b) analyzing water quality and water quantity data;
- c) studying the causes of low streamflows and pollution in the Charles, by performing water budgets and developing practical solutions for protecting and restoring watershed health;
- d) assisting governmental agencies in developing Total Maximum Daily Loads for the Charles, assessing the river’s fish community and restoring American shad to the Charles;

- e) developing and disseminating educational materials and programming about the Charles River, its values, the threats to it and actions necessary to protect it;
- f) providing technical assistance and consulting to watershed municipalities, and collaborate on specific projects with them to improve water resource management;
- g) hosting the annual Run of the Charles, the largest canoe and kayak race in New England, and authoring a recreational boating guide to the Charles River.

In sum, Natick's permit is causing damage to the river and harms CRWA by preventing it from achieving the purposes for which the organization was formed, for which it exists, and for which its members and funders provide support. Failing to protect the watershed and to carry out its corporate mission will also result in a decline in CRWA's membership and financial contributions to it; there is nothing speculative about this. CRWA "has not only alleged concrete injury to itself caused by the subject matter of this appeal, [CRWA] has also alleged that the interests it seeks to protect are with the zone of interests of the governing statute and regulations." *Peabody Ruling on Intervention*.

2. The ten-person group

The ten-person group has a right to intervene pursuant to G.L. c. 30A § 10A, which grants to any group of ten persons the right to intervene in an adjudicatory proceeding in which damage to the environment is or may be at issue. See also, 310 CMR 1.01(7)(f). In the context of an adjudicatory proceeding with respect to a WMA permit and its regulations, an intervenor ten-person group is also automatically deemed an 'aggrieved person.' See, 310 CMR 36.40(2)." *Peabody Ruling on Intervention*.

The impairment of the Charles River and its tributaries' physical, chemical and biological integrity by Natick's permit, alone and in combination with other authorized withdrawals in the basin, constitutes "damage to the environment" as the term is used in G.L. c. 30A, §10A, G.L. c. 214, § 7A, and G.L. c. 30, § 61. *Hanson* Standing Ruling ("no dispute" that damage to the environment is at issue in appeal of WMA permit amendment in which petitioners alleged that use of well will cause water level in pond to drop with less water pumped into lake, thereby lowering the water level in the Jones River); *Peabody* Ruling on Intervention ("There is no question that the allegations by . . . this Ten Citizens Group establish that significant damage to the environment 'is or may be at issue' in this appeal proceeding").

Members of the ten-person group are:

- 1) Robert. L. Zimmerman, Jr., 83 Sanderson Road, Littleton
- 2) Carol Lee Rawn, 59 Larchwood Drive, Cambridge
- 3) Damon Carter, 25 Wachusett Rd, Needham
- 4) Edward Englander, 35 Kingswood Road, Newton
- 5) Elizabeth Palmer. 65 Bristol Road, Wellesley
- 6) Maury Eldridge, 1700 Great Plain Ave, Needham
- 7) Laurie Doyle, 143 Pinckney Street, Boston
- 8) Robert Grant, 99 High Street, Brookline
- 9) Frank Reitter, 1 Philips Pond Road, South Natick
- 10) Gail Reitter, 1 Philips Pond Road, South Natick
- 11) Megan Schermerhorn, 1 Cornell Drive, Milford

Affidavits signed by each member of the ten-person group as required pursuant to 310 CMR 1.01(7)(f) are attached hereto. CRWA and all members of the ten-person group will be represented by Margaret Van Deusen, Esq., Charles River Watershed Association, 190 Park Road, Weston, MA 02493.

C. Challenged Provisions

Natick's permit conditions fail to preserve the Charles River itself, will not achieve a balance among competing withdrawals and uses, fail to reasonably protect the interests in G.L. c. 21G, §7 and 310 CMR 36.26 and 36.28, exceed the long-term safe yield of the basin, and fail to ensure that the purposes of the WMA are carried out. G.L. c. 21G, §§ 3, 7, 11; 310 CMR 36.30 (1)(b),(d) and (2)(a), 310 CMR 36.28(1)(f), (h), (j). Therefore, they are illegal, arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law for the reasons discussed below and should be modified.

Summertime withdrawals particularly stress the watershed because use increases, there is little recharge, and flows are already low. Under Special Condition 8, Natick will only be required to restrict lawn watering between the hours of 9:00 am and 5:00 pm even when a state Drought Advisory or higher is declared by the Massachusetts Drought Management Task Force because it reports that it is not exceeding 65 residential gallons per capita day (rgpcd). At a Drought Advisory or higher environmental conditions will already be quite dire, and nonessential outdoor watering should be eliminated.

If Natick exceeds the 65-rgpcd standard in a previous year it will then be subject to the Tier Two requirements in Special Condition 8 the following year. This disconnects real time river conditions from watering restrictions. The damage will already have been

done at the point Natick reports to MassDEP at the end of a calendar year that it exceeded 65 rgpcd.

Natick also increases its withdrawals from the Charles River watershed in the summer months. It should be required to develop a management plan that reduces its Charles withdrawals and increases its Concord withdrawals June 1 through September 31 of each year.

Over 80% of Natick's wastewater is exported out of basin to the North Coastal Basin via the MWRA wastewater system resulting in a large water deficit. This is compounded by the inflow and infiltration (I/I) into the Town's sewer system, which based on the three-year annual average (2006-2008) is quite high at 1.13 MGD. This I/I into the Town's 123-mile sewer system is dewatering the area by transporting clean groundwater and stormwater to the Deer Island Wastewater Treatment Plant.

Natick's baseline for an offset feasibility study in Special Condition 9 is 4.32 MGD, based on its combined registered volumes from the Charles and Concord River basins. However, offsets in the Concord Basin will not mitigate the Town's withdrawal impacts in the Charles Basin. According to DEP, offsets are "intended to minimize the impact of increased water withdrawals by requiring permit holders to use the most cost effective and locally appropriate method for 'keeping water local' . . . The Department has determined that there are a wide variety of activities that can return . . . or prevent water loss in the basin . . ." August 30, 2006 Order to Complete to Town of Natick Water and Sewer Division at p. 7 (emphasis added).

In 2006, when DEP was in the process of conducting a five-year review of Natick's permit, it identified the Town's baseline as 1.14 mgd for the Charles River Basin

watershed, stating "[t]his volume is your baseline volume for calculating offsets and is based upon actual withdrawals from your Charles River Basin sources between 2003-2005 . . ." *Id.* Natick is unlikely in the next 20 years to trigger the baseline now set in the permit since the Department of Conservation and Recreation's demand forecast shows that even with a 5% buffer added, in 2023-28, the Town's use will only be 4.12 mgd.

Natick's system-wide withdrawals averaged 3.51 MGD for the period 2004-2008. Its withdrawals from the Charles River Basin averaged 0.90 MGD for the same period. The condition of the river and its tributaries, at Natick's current withdrawal levels – conditions will worsen as growth and development push water use in the Town to its full authorized volume of 1.5 MGD from the Charles, especially when coupled with the export of water through the sewer system and I/I. Special Condition 9, rather than setting a baseline above which an offset feasibility study is required, should require that new or increased withdrawals in the Charles River basin be offset through development of a water-banking program, which requires for every gallon of new or increased demand that at least two gallons are kept in the Charles basin or saved.

Alternatively, at a minimum, Natick's baseline for its Charles River Basin withdrawals should be no more than 1.14 MGD, its actual average annual withdrawals from the Town's Charles River Basin sources between 2003-2005³ and the required offset should be 100 percent. The "costs and benefits" language in Special Condition 9 should also be changed to "cost-effectiveness," which was DEP's intent as reflected in the permit cover letter.

³ DEP has stated that a PWS's baseline is its registered volume or its annual average withdrawals 2003-2005, whichever is higher.

While the streamflows requiring shut off of pumping in Special Condition 3 were thought at the time to constitute “reasonable instream flow” in the Charles River, they are not in fact protective. The June 16-September 14 and November 16-February 28 streamflow triggers of 38.43 cfs (0.21 cfsm) at the Dover gage were based on the Department of Environmental Management’s (DEM) minimum streamflow value in its *Charles River Basin Plan* (1989), which was and adopted by the Water Resources Commission. This minimum streamflow threshold was believed to be the threshold which would satisfy most needs while protecting the environmental quality of the basin. There was no biological basis for this streamflow, and based on growing criticism by DFWELE Commissioner Phillips and others, DEM stopped developing minimum streamflows and abandoned Basin Plans in the early 1990s.

While the 38.43 cfs and the other two seasonal triggers in Natick’s permit were taken from the Interbasin Transfer Act (ITA) Approval, nothing in that approval constrains MassDEP from setting streamflow triggers that are more appropriate for protection of aquatic life. DEP should change the June 14-September 14 streamflow of 38.43 cfs (0.21 cfsm) at the Dover gage in Special Condition 3 to *at least* the Sustainable Yield Estimator-calculated August Aquatic Base Flow (ABF) of 0.34 cfsm. According to DEP in its cover letter to the permit, 0.34 cfsm is protective of “flows for fish rearing and growth during the summer bioperiod[.]” Nor is a shutoff streamflow trigger of 38.43 cfs November 16 to February 28 protective of aquatic life. Flows this low in the winter months are indicative of drought conditions and way below the SYE-calculated ABF for each of these four months. The November ABF, which is the lowest of the four winter

months, is 1.23 cfs, or 224 cfs. The September 15-November 15 and March 1-June 15 triggers for shutoff should also be higher to protect aquatic life.

The Charles also suffers from water quality impairments and fails to meet designated uses. Natick's withdrawals will continue to cause, alone and in combination with the other withdrawals authorized in the basin, the elimination or serious impairment of existing uses in the Ipswich River basin in violation of 314 CMR 4.04(1).

Special Condition 11, Table 5, only requires Natick to "[d]evelop and implement an outreach program designed to inform and (where appropriate) work with its largest industrial, commercial and institutional [ICI] water users on ways to reduce their water use." Natick is only required to report on the results at DEP's request. This is extremely vague and difficult to enforce since no performance standard is established for a reduction in water use by these sectors. Specific requirements of water audits and installation of water saving devices for Natick's largest customers should be contained in the permit and the Town should be required to report on the results in its Annual Statistical Reports filed with DEP.

Natick's permit application failed to provide the information required in G.L. c. 21G, § 8. A renewal application is a "permit application" as the term is used in § 8 and must contain the information required in § 8(1)-(9). Information in Natick's original permit application some 20 years ago cannot substitute for current information, particularly given the quantum leaps in the understanding of river hydrology and the impacts of withdrawals on streamflow. G.L. c. 21G requires that applicants provide information on the impacts to the various public interests enumerated in § 8 (7)-(8), which in turn, enables the DEP to determine how best to provide reasonable protection

for the public interests enumerated in § 7. The burden of providing information essential to enable the Department to prescribe permit conditions remains with the applicant under § 8.

Because the permit is premised on an interim safe yield, the permit should be issued for no more than five years. DEP has committed to determining the safe yield, which includes environmental protection factors, including ecological health of river systems, as well as hydrologic factors, by November, 2010. If, as the intervenors believe, the safe yield is less than the interim safe yield, Special Condition 1 provides that the allocations will be adjusted accordingly, no later than the first five year review in 2014. It is not appropriate to issue 20-year permits on the basis of the interim safe yield and accordingly, Natick's permit should be limited to no more than five years.

Since safe yield is fundamental to the proper management of a water source, Natick's permitted withdrawal volume from the Charles Basin should also be reduced to 1.14 MGD, for the five years that the interim safe yield is in effect. This was the Period Three volume in Natick's 2002 permit. Had DEP conducted a five-year review as required under the WMA regulations, Natick would likely have been held to this volume, or its permit modified to this volume to prevent further withdrawal impacts.

D. Relief Sought

CRWA and the ten person group request relief that is related to the harm alleged above. There is also a clear nexus between the relief they seek and the interests of the WMA and its regulations. *See, e.g. Peabody Ruling on Intervention; Hamilton Ruling on Intervention.*

The permit should be modified:

1. To require Natick from May 1st through September 31st of each calendar year to prohibit nonessential outdoor use between the hours of 9:00 am and 5:00 pm and to elect between the imposition of a) seasonal restrictions May 1st through September 30th on nonessential outdoor watering of no more than two days per week outside the hours of 9:00 a.m. and 5:00 p.m. or b) streamflow-triggered restrictions on nonessential outdoor use of no more than one day per week outside the hours of 9:00 a.m. and 5:00 p.m. when flows go below 170 cfs May 1st through June 30th and 62 cfs July 1st through September 30th at the USGS gage 01103500 at Dover (Dover gage) for three consecutive days.
2. To require Natick to prohibit all nonessential outdoor use when a Drought Advisory level or higher is declared by the Massachusetts Drought Management Task Force;
3. To require Natick to develop a management plan that reduces its Charles withdrawals and increases its Concord withdrawals June 1 through September 31 of each year.
4. To require Natick to cease withdrawals from the Elm Bank wells # 2 and #4 from June 16 to September 14 of each year when streamflow at the Dover gage falls below 62 cfs (0.34 cfsm), and between November 16-February 28, when flows fall below 224 cfs (1.23 cfsm).
5. To reduce from the Charles River Basin the permitted daily average raw water withdrawal volume to 1.14 MGD and the total annual permit volume to 416.1 million gallons per year;
6. To require Natick to institute a water bank beginning in calendar year 2011 for all new and redevelopment projects, including addition(s) of bedrooms in residential expansions, and for any increase in existing water use by industrial, commercial and institutional customers, that, at a minimum, provides for keeping within the basin or conserving at least two gallons of water for every gallon of water demand added to the system.
7. If a water banking program is not required, alternatively, to change Natick's baseline withdrawal volume in Special Condition 9 of the permit to 1.14 MGD, the actual average annual withdrawals from the Town's Charles River Basin sources between 2003-2005 (baseline) and to require Natick to offset 100 percent of its increase in water use over the baseline;
8. To change the language in Special Condition 9 by striking the second sentence of the second paragraph and replacing it with the following language: "Natick shall make a written analysis of the cost-effectiveness of each of the following Best Management Practices (BMPs) and any other BMPs selected by Natick to offset withdrawal increases."

9. In Special Condition 11, Table 5, **Industrial and Commercial Water Conservation**, to require water audits to be completed on or before December 31, 2012 and a timetable for achieving water reductions by Natick's ten largest water users, and require the Town to report on its progress in each Annual Statistical Report;
10. To limit the permit to five years, expiring February 28, 2014.

In addition:

11. Require DEP to determine the safe yield. DEP's safe yield determination must include environmental protection factors, including ecological health of the river system, as well as hydrologic factors. If Natick's withdrawals alone or in combination with other authorized withdrawals, exceeds the safe yield, require DEP to impose permit conditions and provisions that, in combination with other authorized withdrawals, will ensure that the safe yield is not exceeded; and
12. Require Natick to submit a permit application with the information required in G.L. c. 21G, § 8(1)-(9) on or before November 1, 2013, or alternatively, if the permit is not limited to five years, require Natick to submit the information required in G.L. c. 21G, § 8(7)-(8) in advance of the first five year review by DEP.

Respectfully submitted,

**Charles River Watershed Association,
Inc., and Ten-Person Group,**

By their attorney:

Margaret Van Deusen
BBO# 507660
Charles River Watershed Association
190 Park Road
Weston, MA 02493
(781) 788-0007 ext. 234

Dated: March 22, 2010

CERTIFICATE OF SERVICE

I, Margaret Van Deusen, hereby certify that I served a copy of “Motion of Charles River Watershed Association and Ten Person Group to Intervene” and certificate of service upon the following parties by mailing first class postage-prepaid to:

Charles Sisitsky, Director Public Works (via certified mail)
Town of Natick
75 West Street
Natick, MA 01760

John Perodeau, Water/Sewer Supervisor (via certified mail)
Natick Water Division
75 West Street
Natick, MA 01760

Margaret Stolfa, Esq.
Department of Environmental Protection
One Winter Street
Boston, MA 02108

Margaret Van Deusen

Dated: March 23, 2010

