



CITY OF CAMBRIDGE

MASSACHUSETTS

WATER DEPARTMENT
250 FRESH POND PARKWAY
CAMBRIDGE, MASS. 02138

RECEIVED

91 AUG 26 PM 12:20

OFFICE OF THE CITY MANAGER

Nancy E. Barnes
Managing Director

617-349-4770

DATE: August 23, 1991

TO: Robert W. Healy
City Manager

FROM: Nancy E. Barnes

CC: Richard C. Rossi

RE: Council Order #23, dated 8/7/91, RE: Opposition to
home rule legislation filed by the Town of Weston

Council Order #41, dated 8/7/91, RE: Town of Weston
seeking permission to take and use the water of Stony
Brook.

Concerning the proposed "Act Relative to Providing Fresh
Water for the Town of Weston".

Enclosed is the following correspondence relative to the proposed
Weston Act:

1. Letter dated August 13, 1991 to the Joint Committee on
Natural Resources that was presented by the City Manager at
the hearing on the proposed Act on August 13, 1991.
2. The true copy of the Cambridge City Council order in
opposition to the Weston Act.
3. Letter dated August 26, 1991 from the Cambridge Water
Department to the Town of Weston, offering to discuss the
proposed Act with them.
4. Letters sent to the Massachusetts Department of
Environmental Protection and the Massachusetts Water Resources
Authority by the Cambridge Water Department alerting them to
the proposed Act.

5. Letter of transmittal dated August 26, 1991 providing the above information to the Cambridge Legislative Delegation and the Cambridge Water Board.

As of this date, the proposed Act, numbered H5948, is still in committee and is not expected to see favorable action. The Cambridge Water Department will monitor the progress of the Act and report on same as necessary.

Should you have any questions, please call me at 349-4770.



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300

FAX 349-4307

EXECUTIVE DEPARTMENT

ROBERT W. HEALY

City Manager

RICHARD C. ROSSI

Deputy City Manager

August 13, 1991

Joint Committee on Natural Resources
State House - Room 473F
Boston, MA 02133

Dear Committee Member:

Today, the Joint Committee on Natural Resources will conduct a hearing on "An Act Relative to Providing Fresh Water for the Town of Weston". Please accept this written testimony from the City of Cambridge.

The Town of Weston is partially supplied with drinking water by the Massachusetts Water Resources Authority (MWRA). The proposed Act would allow Weston to withdraw fresh water from the Stony Brook to provide its own drinking water supply. The Stony Brook is the source of drinking water supply for the City of Cambridge.

The Cambridge Water Department has a legal opinion from Foley, Hoag & Eliot dated July 17, 1990 that Cambridge's rights to withdraw water from the Stony Brook are superior to claims by Weston. These rights derive from the 1884 Mass. Acts 256 as amended by 1894 Mass. Acts 255. The proposed Act seeks to exempt Weston from the very Acts that ensure Cambridge water rights.

It is the opinion of the City of Cambridge that the proposed Act is seriously flawed. The Massachusetts Water Management Act Regulations - 310 CMR 36.00 (copy provided as attachment B) - provides the means for establishing water rights by permitting water withdrawals from water sources. The regulations provide the following provisions that are especially pertinent to the Weston Act:

310 CMR 36.17: Withdrawals Requiring a Permit

"(1) Each person, prior to making a new withdrawal from a withdrawal point or points within the Commonwealth in excess of the threshold volume from a water source, which is not a withdrawal for a nonconsumptive use in accordance with 310 CMR 36.05 and 36.38, shall obtain a permit for that withdrawal from the Department (of Environmental Protection)."

310 CMR 36.22: Public Notice Requirements

"(1) Each applicant for a permit which includes a proposed new withdrawal shall comply with public notice requirements".

Weston should be required to apply for its water rights through a permitted withdrawal and comply with the Public Notice Requirements just as every other water system in the Commonwealth has done. To the best of our knowledge, Weston has not pursued the permit and may be seeking an exception to the Water Management Act by virtue of their proposed Act.

It is important for Cambridge to preserve its rights to the water in the Stony Brook. The theoretical maximum yield of the Cambridge watersheds, which feed the Stony Brook, is 24 million gallons per day (MGD). The practical availability of that water is constrained by storage and operational capacities to a safe yield of 14.8 MGD. Current water usage in Cambridge averages 14.3 MGD. In the 1960's, water demand went as high as 22 MGD. Currently, Cambridge has a registered withdrawal of 16 MGD and has plans to apply for additional withdrawals to meet expected future demands. The expected future demands are the subject of a study that the City will conduct in the coming months.

Any additional withdrawal from the watersheds by the Town of Weston will threaten the ability of Cambridge to provide adequate supplies of water to its citizens in the future. By drawing water from the Stony Brook, Weston would be reducing the amount of water that flows into the Stony Brook Reservoir, one of Cambridge's storage reservoirs. For that reason, we are concerned that a Weston withdrawal would reduce the safe yield available to Cambridge, adding further risk of failure to our water system - especially in a severe drought. While the City of Cambridge does have access to MWRA water in emergencies, that water would represent an expense to the City.

Joint Committee on Natural Resources, RE: Weston Water Withdrawal
August 13, 1991
Page 3

Over 100 years ago, the City of Cambridge provided the facilities necessary to store water in the Hobbs Brook and Stony Brook Reservoirs. For over 100 years, the City of Cambridge has continually taken action to preserve, protect and maintain those reservoirs and their watersheds in order to provide quality raw water to the Cambridge water system. The proposed Weston Act fails to recognize this contribution by the City of Cambridge and makes no provision to compensate the City of Cambridge for this contribution.

From a practical standpoint, we question the need of Weston to withdraw this water and the ability of Weston to treat the waters of the Stony Brook to drinking water standards. It is most probable that Weston will have to build treatment facilities to do this. That strikes us as a waste of resources when Cambridge has the facilities to treat the water now. The entire region could benefit from Cambridge treating water and providing any excess to the region, thereby reducing the draw upon the Quabbin Reservoir.

In order to preserve the water supplies available for Cambridge now and in the future, we respectfully request that the proposed Weston Act not be enacted.

Very truly yours,

Robert W. Healy
City Manager

CC: City Council
Cambridge Water Board
City Solicitor
Richard C. Rossi, Deputy City Manager
Nancy E. Barnes, Managing Director Water Department
David Haley, Commissioner of Public Works



CITY OF CAMBRIDGE
MASSACHUSETTS

WATER DEPARTMENT
250 FRESH POND PARKWAY
CAMBRIDGE, MASS. 02138

Nancy E. Barnes
Managing Director

617-349-4770

August 26, 1991

Mr. Ward Carter
Town Of Weston
P. O. Box 378
Weston, MA 02193

RE: Proposed "Act Relative to Providing Fresh Water for the Town of Weston"

Dear Mr. Carter,

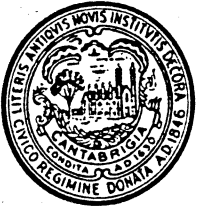
The Cambridge Water Department would be pleased to discuss the Weston water supply situation with the Town of Weston and its Board of Water Commissioners. We have greatly appreciated the cooperation of Weston over the years in protecting and preserving the watersheds that provide water to the City of Cambridge. While we must be concerned about the adequacy of water supply for the City of Cambridge, we would nevertheless be happy to contribute to your considerations of water supply alternatives for the Town of Weston.

Should you wish to discuss the above or set up a meeting, please give me a call at 349-4770.

Very truly yours,

Nancy E. Barnes
Managing Director

CC: Robert W. Healy, City Manager
Cambridge Water Board
Richard C. Rossi, Deputy City Manager



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MASSACHUSETTS

WATER DEPARTMENT
250 FRESH POND PARKWAY
CAMBRIDGE, MASS. 02138

Nancy E. Barnes
Managing Director

617-349-4770

August 26, 1991

Mr. Ward Carter
Town Of Weston
P. O. Box 378
Weston, MA 02193

RE: Proposed "Act Relative to Providing Fresh Water for the Town of Weston"

Dear Mr. Carter,

The Cambridge Water Department would be pleased to discuss the Weston water supply situation with the Town of Weston and its Board of Water Commissioners. We have greatly appreciated the cooperation of Weston over the years in protecting and preserving the watersheds that provide water to the City of Cambridge. While we must be concerned about the adequacy of water supply for the City of Cambridge, we would nevertheless be happy to contribute to your considerations of water supply alternatives for the Town of Weston.

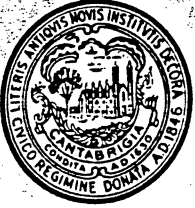
Should you wish to discuss the above or set up a meeting, please give me a call at 349-4770.

Very truly yours,

A handwritten signature in cursive script that reads "Nancy E. Barnes".

Nancy E. Barnes
Managing Director

CC: Robert W. Healy, City Manager
Cambridge Water Board
Richard C. Rossi, Deputy City Manager



CITY OF CAMBRIDGE

MASSACHUSETTS

WATER DEPARTMENT
250 FRESH POND PARKWAY
CAMBRIDGE, MASS. 02138

Nancy E. Barnes
Managing Director

617-349-4770

July 11, 1991

Mr. Andrew R. Gottlieb, Manager
Water Management Section
Massachusetts Department of Environmental Protection
9th Floor
One Winter Street
Boston, MA 02146

Dear Mr. Gottlieb,

Enclosed for your information is a copy of "An Act Relative to Providing Fresh Water for the Town of Weston" that has been proposed to the legislature.

As you know, the Stony Brook provides drinking water supply to the City of Cambridge. We are concerned that the Town of Weston is seeking an exception to the Water Management Act by means of this proposed legislation. We thought that you should be aware of this action taken by the Town of Weston.

It is our opinion that the Town of Weston should apply for a permitted withdrawal just like every other water system. We hope that you will agree and take action to enforce the Water Management Act in this case.

Very truly yours,

A handwritten signature in cursive script, reading "Nancy E. Barnes".

Nancy E. Barnes
Managing Director

CC: Cambridge Water Board
Robert W. Healy, City Manager
Richard C. Rossi, Deputy City Manager
Timothy W. D. Mac Donald



CITY OF CAMBRIDGE

MASSACHUSETTS

WATER DEPARTMENT
250 FRESH POND PARKWAY
CAMBRIDGE, MASS. 02138

Nancy E. Barnes
Managing Director

617-349-4770

July 11, 1991

Mr. John F. Shawcross
Director - Capital Engineering and Development Department
Massachusetts Water Resources Authority
100 First Avenue
Boston, MA 02129

Dear John,

Thank you for your letter of July 2, 1991 concerning the Cambridge Water Exchange. We will contact Fred Brandon shortly.

Enclosed for your information is an "Act Relative to Providing Fresh Water for the Town of Weston" that has been proposed to the legislature. The Act would allow Weston to withdraw water from the Stony Brook. The Stony Brook now provides drinking water supply to Cambridge. We believe that the Town of Weston should comply with the Water Management Act just like other water systems in Massachusetts.

If Weston is successful with this legislation, our capacity to provide water in the potential exchange agreement will be hampered. It strikes us as economically counterproductive for the Town of Weston to withdraw and treat the Stony Brook waters when we have the treatment capacity now and will in the future. Would it not be better to provide the Stony Brook water to them by adding to the Quabbin through Cambridge? Would the MWRA be willing to express its opinions on the proposed Act to the legislature?

Very truly yours,

Nancy E. Barnes

Nancy E. Barnes

CC: Robert W. Healy, City Manager
Richard C. Rossi, Deputy City Manager



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WATER DEPARTMENT
250 FRESH POND PARKWAY
CAMBRIDGE, MASS. 02138

Nancy E. Barnes
Managing Director

617-349-4770

DATE: August 26, 1991

TO: Cambridge Water Board
Cambridge Legislative Delegation

FROM: Nancy E. Barnes
Managing Director - Cambridge Water Department

A handwritten signature in cursive script, reading "Nancy E. Barnes", is written over the printed name and title in the "FROM:" field.

RE: Proposed "Act Relative to Providing Fresh Water for the
Town of Weston"

Enclosed are the following materials as follow-up to the actions
taken in opposition to the referenced Act:

1. Letter dated August 13, 1991 to the Joint Committee on Natural Resources that was presented by the City Manager at the hearing on the proposed Act on August 13, 1991.
2. The true copy of the Cambridge City Council order in opposition to the Weston Act.
3. Letter dated August 26, 1991 from the Cambridge Water Department to the Town of Weston, offering to discuss the proposed Act with them.
4. Letters sent to the Massachusetts Department of Environmental Protection and the Massachusetts Water Resources Authority by the Cambridge Water Department alerting them to the proposed Act.

Should you have any questions, please do not hesitate to call me at 349-4770.



City of Cambridge

Barnes

41.

IN CITY COUNCIL
August 7, 1991

MAYOR WOLF

WHEREAS: The Town of Weston has notified us that they are seeking permission from the General Court of the Commonwealth to take and use the water of Stony Brook for its residents; and

WHEREAS: The City Manager and Managing Director of the Water Department are working on this issue; and

WHEREAS: Speaker Charles Flaherty has been informed of the concerns of the City of Cambridge and is investigating; now therefore be it

RESOLVED: That the City Manager be and hereby is requested to continue his efforts to preserve our water source; and be it further

RESOLVED: That he keep the City Council informed of the progress on this matter.

In City Council August 7, 1991.

Adopted by the affirmative vote of nine members.

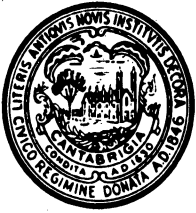
Attest:- Joseph E. Connarton, City Clerk.

A true copy;

ATTEST:-

Joseph E. Connarton

Joseph E. Connarton, City Clerk.



CITY OF CAMBRIDGE
CAMBRIDGE, MASSACHUSETTS 02139

TEL. 349-4300
FAX. 349-4307

EXECUTIVE DEPARTMENT
ROBERT W. HEALY
City Manager

RICHARD C. ROSSI
Deputy City Manager

September 16, 1991

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 57, regarding the Town of Weston seeking permission to take and use water of Stony Brook, received from Nancy Barnes, Managing Director of the Cambridge Water Department.

Very truly yours,

Robert W. Healy
City Manager

RWH/mev
attachments

Consent Agenda #16

S-974

Awaiting Report Item Number 57, regarding
the Town of Weston seeking permission to
take and use the water of Stony Brook.

In City Council,

Sept. 16, 1991

Placed on file