

Matthew Gardner, Chair
Natick Conservation Commission
13 E. Central Street
Natick, MA 01760

RE: North Pond of Lake Cochituate (North Pond)
MA DCR's Request for Determination of Applicability
Massachusetts Wetlands Protection Act M.C.L. c. 131, 40
Natick Wetlands Protection By-Law

Dear Commissioners,

I am submitting this letter on behalf of myself and Protect Our Water Resources (POWR), a group of Natick residents who want the Natick Conservation Commission to issue a positive Determination of Applicability.

We are asking that a positive determination be issued for the following reasons:

In the Request form, C 1b, page 2, it says, "This RDA is being submitted primarily for informational purposes. There is a very slight chance (given the flow regime) that some herbicides applied to abutting waters will drift into Natick waters and adversely effect milfoil growing in Natick waters."

1. Drift factor: Looking at the map provided in the RDA (enclosed), the water area of concern to Natick residents is in the southeastern part of the North Pond. The map submitted with the RDA appears to show that there are ~ 7 acres of water abutting Natick, along the southeastern shoreline of North Pond, proposed for chemical treatment. The land to the west belonging to Natick, is within the lake/land boundary of Natick and its wetland responsibilities. Not far from this proposed treatment area, to the south and southeast, is also Natick land, including the Natick Evergreen wells. The RDA fails to depict the Evergreen wells in relation to the proposed treatment area.

Although the RDA states that the water flow is from south to north, it does not address the effect of the pumping of the Evergreen wells on the water flow of the water abutting Natick, where chemical treatment is proposed. There is evidence that this area is under the influence of the Evergreen wells, and in particular that the wells draw from the southeastern shoreline of the North Pond. This can be concluded from the 2005 Testimony of Richard F. Yuretich, Ph.D. (enclosed), who observed that the recharge area for the more southerly Springvale wells includes the southern half of Middle Pond, with pond water infiltrating the aquifer mainly through the shoreline areas. In its 2006 Superseding Order of Conditions for Lake Cochituate (enclosed), the DEP concluded that the Evergreen wells have a similar well/pond interaction, meaning that the recharge area of those wells likely includes at least the southeastern shoreline area of North Pond proposed for treatment.

The RDA states that there is a "chance" that the proposed chemicals will drift into Natick's waters. The RDA does not provide any analysis of this "chance," including

what the likely limit of the expected drift is. The RDA does not provide any control methods to eliminate this “chance,” or to insure the drift will not extend into Natick’s waters. So, there is reason for the Commission to conclude that the “chance” of drift (over which the DCR will exercise no control) means there will be some drift into Natick’s waters.

2. Scientific data: The chemical, triclopyr¹, is mobile by nature and as is suggested in the RDA, has a chance to flow into abutting Natick waters. In the E.P.A. RED document on Triclopyr salt (enclosed), it states, “triclopyr acid is somewhat persistent and is mobile.” *The Journal of Pesticide Reform* (JPR) states, “Since triclopyr is mobile in soil, as well as somewhat persistent” the E.P.A. “believes this chemical has the potential to leach to ground water.” Although there has been “limited monitoring for triclopyr in ground water,” studies have found triclopyr contamination in wells in two states, Virginia and Texas (article enclosed). The GLEAMS note indicates that the triclopyr salt of tryclopyr amine is more likely to move through soil and into ground water than the butoxyethyle ester. In this respect, triclopyr is much like fluridone, which the Commission and DEP have previously prohibited from Lake Cochituate due to likely migration to Natick’s wells. The E.P.A. RED Fact Sheet (enclosed) under Environments Fate/Ecological Risks, indicates the need for “additional confirmatory data to better characterize the fate of TCP (the major breakdown product of triclopyr salt) and its chronic toxicity to fish, particularly salmonid species.” The JPR, in the paragraph titled Hazards of Triclopyr’s Major Metabolite, states that “the most significant health hazard identified in TCP is that it may be especially hazardous to children. Recently (1999) EPA researchers studied the ability of TCP to disrupt the development and maturation of the nervous system that occurs in fetuses, infants and children. Using a laboratory test system (a cell culture), the researchers showed that exposure to TCP inhibits neurons (nervous system cells) from undergoing normal growth.”

3. Public hearing: The chemical triclopyr has never been introduced to the Natick Conservation Commission in any previous NOI submitted by the MADCR. The Natick Conservation Commission has not had a public hearing on this chemical. The public has the right to know about this chemical and its potential influence on water within their jurisdiction. Where is the research that demonstrates that there is “a slight chance” (given the flow regime) as stated in the Request form by ACT?

4. Requirement for Positive RDA: Because the proposed project will alter both a protected resource area and buffer zone within Natick’s jurisdiction, the Commission should issue a Positive RDA under both the Wetlands Protection Act and the Natick Wetlands Protection Bylaw.

Sincerely,

Carole Berkowitz, Chair
Protect Our Water Resources, Natick, MA 01760

¹ The attachments to this letter refer specifically to the triclopyr form TEA, also called Garlon 3A.