



IPSWICH RIVER
WATERSHED
ASSOCIATION

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WATERSHED RULING SUPPORTS WATER WITHDRAWAL PERMITS

Administrative Magistrate James Rooney issued recommended decisions late last week affirming water conservation requirements in water withdrawals permits for Hamilton, Topsfield and Wenham. The towns had appealed the permits issued by the Department of Environmental Protection (DEP) in May 2003, claiming that the permits were too strict, didn't consider their local circumstances, and that DEP exceeded its authority.

The Ipswich River Watershed Association, Essex County Greenbelt Association and a group of citizens intervened in the cases, claiming that the permits should be upheld and strengthened. The Ipswich River was named one of the most endangered rivers in the nation in 2003 because it is often pumped dry. Scientific studies by the U.S. Geological Survey proved conclusively that water withdrawals reduce Ipswich River streamflows by an order of magnitude.

In a decision eagerly awaited by water suppliers and environmentalists alike, the Magistrate upheld DEP's new permit conditions, which require effective restrictions on lawn watering, a cap on summer water withdrawals, and "performance standards" for residential water use and "unaccounted for water." He also required several additional measures, including a water bank program to offset growth in Topsfield if water connections increase by more than 2%

in any year, a water audit for large water customers in Wenham, and more effective notice to the public when watering restrictions are imposed.

“These recommended decisions represent an important step forward to address the impacts of water withdrawals and restore the Ipswich River to health,” said Kerry Mackin, Executive Director of the Watershed Association. “The decisions acknowledge that too much water is pumped from the Ipswich basin, and that wasteful water use must stop, to preserve the river, its fish and habitat. The wise use of scarce water resources is necessary, and we are confident that the residents of the Ipswich basin will help meet this challenge and protect the river.”

Margaret Van Deusen, attorney for the Intervenors, said that “The Magistrate’s decisions are a ringing endorsement of the balance that must be achieved between withdrawals and competing instream uses, such as fisheries and recreation.” The Magistrate ruled emphatically against the towns’ claims that the permit conditions exceeded DEP’s authority, and disagreed with the claim that the permits were unreasonable given each town’s circumstances. “While we believe that all the permits should include water banking now, which would allow towns to accommodate growth while not increasing water use, they are a huge improvement over the old permits.”

Final decisions will be issued by the DEP Commissioner Gollodge by the spring.

For further information about the appeals or the condition of the Ipswich River, please contact Kerry Mackin at IRWA at 978-887-2313 or at kmackin@ipswichriver.org.