



Friends of Lake Mirimichi

c/o Mary Waltuck
39 Mirimichi Road
Foxboro, MA 02035

April 17, 2018

Beth McCann, MassDEP
Water Management Act Program
One Winter Street, 5th floor
Boston, MA 02108

Dear Ms. McCann,

Thank you for the opportunity to comment on the Taunton River Basin permit renewal applications. Friends of Lake Mirimichi is a community volunteer organization started in the Fall of 2015 by a group of homeowners located on Lake Mirimichi, which is located in both Plainville and Foxboro. Our comments relate to Taunton River Water Withdrawal Permits for both Plainville and Attleboro.

There are 3 groundwater wells on Lake Mirimichi for the Town of Plainville. There is a dam and release gate on Lake Mirimichi which is owned by the city of Attleboro, and allows flow into the Wading River. The Attleboro Water Dept. web site indicates that the Wading River Pumping Station serves as an auxiliary water source for the city. It is our understanding that the current permit under review for the City of Attleboro is for Wading River withdrawals which is downstream from Lake Mirimichi, and that releasing water by manipulating the gate is not subject to conditions in its Water Withdrawal Permit.

As a point of information, On March 11, 2004, the Water Resources Commission, by a unanimous vote of those present, approved Plainville's request to develop the wellfield at Lake Mirimichi. Reviewing the Plainville Basis for that Decision; indicates that Attleboro operates its system under a WMA registration. [Criterion #5, paragraph #2 on page 14]

*"The proposed wells are located adjacent to Lake Mirimichi in Plainville, which is used by the Town of Attleboro for its public water supply. The Lake is dammed on its east side. Attleboro releases water from Lake Mirimichi to the Wading River as needed and withdraws the water at a location near Blake's Pond (an impoundment on the Wading River) approximately two miles downstream. The water is pumped through filter beds adjacent to the Wading River. At times, water flows uncontrolled over the Lake Mirimichi dam. There is also a dam on Robinson Pond between Lake Mirimichi and Blake's Pond. **Attleboro's use of this system was authorized, and facilities installed and useable prior to the effective date of the Interbasin Transfer Act (March 8, 1984) and therefore are not currently jurisdictional under the Interbasin Transfer Act.** Attleboro is not required to maintain minimum or seasonal releases from Lake Mirimichi and **operates its system under a Water Management Act registration.** For approximately the past ten years, Attleboro has monitored and recorded water levels and gate valve openings at Lake Mirimichi on a weekly interval."*

Background:

In the Fall of 2015 lakefront property owners became very concerned when the level of the lake dropped to 36" below the spillway resulting in the following:

- shoreline recession of as much as 40 feet
- large mucky areas that could become mosquito breeding grounds
- dead fish and sediment from dying vegetation creating a foul smell
- increase in water temperature due to vegetation reaching the surface of the lake
- low water depth increasing light penetration which leads to weed growth, and depletes oxygen levels resulting in potential contamination
- negative impact on real estate values
- damage to several docks with many ending up on dry land
- loss of recreational use

At the same time, the City of Attleboro had no water restrictions for its residents, while all of the surrounding towns were required to implement water restrictions. After much pressure by the public, water restrictions were ultimately implemented in late September, but that falls into their non-peak usage period, which is 3 million gallons per day during non-peak season versus 6 million gallons per day in peak season. We felt that this was too little, too late. Also, 2015 was the sixth consecutive year that the City had Unaccounted Water which was above the Massachusetts Standard of 10%.

Since 2015, we have been in open and cooperative communication with both Municipalities. We are pleased about improvements that have been made at Blakes Pond over the past couple of years that resulted in reduced wasted water. And we were very satisfied with their management of the Mirimichi gate in 2016 and 2017. That said, we remain concerned that given the 12 year duration of the upcoming Taunton River Watershed renewed permits, we could have a repeat of the 2015 situation at some point.

We would like to propose the following Special Conditions or Restrictions to Water Withdrawal Permits for the City of Attleboro and the Town of Plainville:

Attleboro Permit Renewal

- The following notifications **to Friends of Lake Mirimichi** (lakemirimichi@gmail.com) are requested in addition to existing notifications required to the Town of Plainville:
 - Real-time notification of any Lake Mirimichi gate activity - opening, valve turns, closing.
 - Notification of any unusual activity that impacts any of their water supplies that could lead to gate turns and water withdrawal (this would include accidents, maintenance, repairs or planned construction activities).
 - Notification of water conservation status within the City.
 - Notification of weekly water level measurements taken between May and October at all Attleboro Watershed sources, since low levels in one source would increase the potential to draw from another source. For the Taunton River Basin Watershed this would include Crocker Pond, Blakes Pond and Lake Mirimichi. For the Ten Mile River Basin Watershed this would include Orr's Pond, Luther Dam, Manchester Reservoir and Hoppin' Hill Reservoir. **OR**, it is recommended that the city establish tiered storage capacity ranges (such as normal, watch, warning, emergency and critical) vs. full capacity water levels and

implement water conservation/restriction measures based on those levels. This is suggested for all watershed sources. When the City's overall level reaches 50% of the "normal" range or lower, notify Friends of Lake Mirimichi of the levels on a weekly basis until the level is back to 50% or above in the normal range.

- If the city of Attleboro does not meet State Standards for RGPCD or UAW in a particular year, then there should be both a mandatory mitigation/compliance plan and water usage restrictions in the subsequent year. – If state standards change to below 65 RGPCD and or 10% UAW for any reason, including the impact of climate change on water resources, this restriction should apply to the revised lower standards.

Plainville Permit Renewal

- Request changes in the current Spillway tiers:
 1. Daily Lake level monitoring must be instituted whenever Lake Mirimichi levels decline to 1.5 feet or more below the top of the dam
 2. Plainville shall implement increased water conservation measures and reduce wellfield pumpage when Lake Mirimichi levels reach 1.75 feet or more below the top of the dam.
 3. When Lake Mirimichi levels reach 2.0 feet below the top of the dam, Plainville shall cease pumping until levels recover to 1.5 feet below the top of the dam. After Lake Mirimichi levels recover to less than 1.5 below the top of the dam, pumping may resume with daily or weekly monitoring (depending on the time of year)
 - Replace these tiers as follows:
 - Tier 1 - From 1.5 feet to .5 feet (6 inches)
 - Tier 2 - From 1.75 feet to 1 foot (12 inches)
 - Tier 3 - From 2 feet to 1.25 feet (15 inches)
- If the Town of Plainville does not meet State Standards for RGPCD or UAW in a particular year, then there should be both a mandatory mitigation/compliance plan and water usage restrictions in the subsequent year. – If state standards change to below 65 RGPCD and or 10% UAW for any reason, including the impact of climate change on water resources, this restriction should apply to the revised lower standards.

These conditions are requested because The Friends of Lake Mirimichi feel that draining the lake to more than 15 inches below the spillway results in risks to the aquatic ecosystem, increases in mosquito population and a reduction in property values. And we feel that such restrictions should be stated as conditions in the permits rather than relying on the permit holder's voluntary cooperation, especially in the case of personnel changes during the 12 year duration of the permit.

Thank you for the opportunity to comment and please don't hesitate to contact us if you have any questions.

Yours Sincerely,

Mary Waltuck, FOLM Steering Committee Chair [e-mail - Lakemirimichi@gmail.com]

Friends of Lake Mirimichi [Web Site - LakeMirimichi.org]

Cc: elizabeth.mccann@state.ma.us

Dennis Morton, Town of Plainville Water Department [dmorton@plainville.ma.us]

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