



CITY OF BOSTON • MASSACHUSETTS

OFFICE OF THE MAYOR
THOMAS M. MENINO

September 23, 2005

Dear Resident:

Addressing the issue of low groundwater levels in many of the historic neighborhoods of Boston continues to be a priority for my administration. As you know, low groundwater levels can be caused by a variety of reasons, both natural and man-made. Regardless of the cause, low groundwater levels represent a potential threat to buildings constructed on filled land and supported by wood pilings in many Boston neighborhoods.

On September 15th, I unveiled four major initiatives to address existing groundwater problems and promote groundwater recharge in the development review process in the future. As you have indicated concern about groundwater issues in the past, I want to inform you of these new initiatives, as further outlined below:

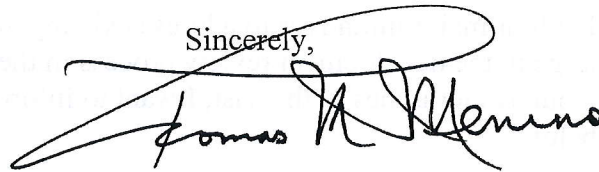
- 1. Groundwater Memorandum of Understanding:** I was joined by state and city agency leaders to sign a Memorandum of Understanding (attached) that commits these eight agencies to participate in a City/State Groundwater Working Group. These agencies are responsible for substantial infrastructure within Boston, and often play key roles in how development proceeds in our city. They have now pledged to come together at regularly-scheduled public meetings to share information, identify problem areas, explore solutions, and remediate identified problems that contribute to low groundwater.
- 2. Groundwater Trust:** Earlier this year I filed an ordinance that expands the jurisdiction of the Groundwater Trust to any neighborhood in the City where low groundwater is an issue. I am happy to report that the City Council passed the legislation as filed, and I promptly signed it into law.
- 3. Groundwater Funding:** In June, I signed a budget that fully funded the Groundwater Trust at its highest level since it was established in 1986. This funding ensures the continued installation of monitoring wells, data collection, and the general operations of the Trust. My office continues to seek funding opportunities to enhance our work, and last week received a preliminary award of \$192,400 from the US Environmental Protection Agency. To date, we have been able to secure over \$2 million from city, state,

federal, and private sources to continue our important work on groundwater protection and restoration.

- 4. Groundwater Conservation Overlay District:** The Boston Redevelopment Authority (BRA) released its proposed groundwater overlay district (attached). After it is incorporated into the Boston Zoning Code, this new zoning district will institutionalize groundwater protection requirements in the development review process in various neighborhoods. Within the proposed district, virtually all new development projects that involve lot coverage or excavation will trigger a public review, and will need to demonstrate that they will both preserve existing groundwater and promote groundwater recharge. Also, as part of the building permit process, any new paving within the district will be required to utilize permeable materials or other approved recharge techniques.

These groundwater protection strategies will be discussed in further detail at a public hearing to be held on **October 27th at 5:30 p.m., in the Rabb Lecture Hall of the Boston Public Library, 700 Boylston Street, Boston.** This forum will serve as a public hearing to receive public testimony on the BRA's proposed Groundwater Conservation Overlay District. I encourage you and other interested parties to attend to learn more about these initiatives, contribute your thoughts, and participate in this important public process.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas M. Menino". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Thomas M. Menino
Mayor of Boston

enclosures

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING IS ENTERED INTO THIS 15TH DAY OF SEPTEMBER, 2005, BY AND AMONG THE CITY OF BOSTON, BY AND THROUGH ITS OFFICE OF ENVIRONMENTAL AND ENERGY SERVICES, AND THE BOSTON GROUNDWATER TRUST, THE BOSTON WATER & SEWER COMMISSION, THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY, THE MASSACHUSETTS TURNPIKE AUTHORITY, THE MASSACHUSETTS WATER RESOURCES AUTHORITY, AND THE COMMONWEALTH OF MASSACHUSETTS, BY AND THROUGH ITS OFFICE OF COMMONWEALTH DEVELOPMENT AND ITS EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.

WHEREAS, many buildings in the City of Boston were constructed on filled land upon, and remain structurally supported by, wood pilings, that were designed to remain immersed in groundwater; and

WHEREAS, identifying areas where low groundwater levels exist and the sources of groundwater depletion is important to the effort to protect wood pilings constructed at appropriate elevations and the buildings they support, many of which are located in historic sections of Boston; and

WHEREAS, the City of Boston established the Boston Groundwater Trust to monitor groundwater levels in neighborhoods of Boston; and

WHEREAS, the City of Boston, the Commonwealth, and the Federal government have provided over two million dollars to the Boston Groundwater Trust to construct and continue to monitor a comprehensive groundwater monitoring well network in affected neighborhoods of Boston; and

WHEREAS, data from groundwater monitoring wells confirms that groundwater levels in certain areas of Boston have declined; and

WHEREAS, many natural and man-made factors contribute to groundwater depletion in Boston; and

WHEREAS, the widely-supported goal of maintaining appropriate groundwater levels throughout Boston may require close coordination among the agencies and independent authorities of the Commonwealth, the City of Boston, the Boston Groundwater Trust, the private sector, and members of the public; and


WHEREAS, the parties hereto are committed to ensuring that, to the extent feasible, existing groundwater problems are identified and resolved and future problems are avoided;

NOW, THEREFORE, it is agreed that the City of Boston, by and through its Office of Environmental and Energy Services, and the Boston Groundwater Trust, the Boston Water & Sewer Commission, the Massachusetts Bay Transportation Authority, the Massachusetts Turnpike

Authority, the Massachusetts Water Resources Authority, and the Commonwealth of Massachusetts, by and through its Office of Commonwealth Development and its Executive Office of Environmental Affairs hereby agree to the following:

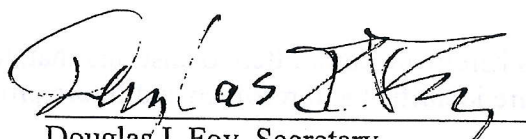
1. Working Group. The parties will create and participate in a City/State Groundwater Working Group to be jointly chaired by the City's Office of Environmental and Energy Services and the State's Office of Commonwealth Development.
2. Participation. Each party will designate a high-level representative from its respective agency to serve on the City/State Groundwater Working Group.
3. Cooperation. As participants in the City/State Groundwater Working Group, the parties will work cooperatively, share information, and utilize data collected by the Boston Groundwater Trust to identify areas of low groundwater levels, attempt to determine the cause or causes of identified low groundwater levels, and identify appropriate solutions.
4. Remediation. The parties will use good faith efforts to remedy any infrastructure under their respective agency's control that is reasonably demonstrated to contribute substantially to groundwater depletion in neighborhoods of Boston where buildings are supported by wood pilings.
5. Meetings. Public meetings of the City/State Groundwater Working Group will be held at least quarterly, beginning upon execution of this Memorandum of Understanding, and will be noticed to individual designees of each party by email and will be further noticed by way of publication in the State Environmental Monitor and the City Record.
6. Limitation of Liability. Nothing in this Memorandum of Understanding creates any right or cause of action for any person, private entity, or governmental entity to sue any party to this Memorandum of Understanding for equitable relief or monetary damages for any breach of this Memorandum of Understanding, nor shall be interpreted as an admission of any type of liability by any of the parties hereto.
7. Amendment. This Memorandum of Understanding may be amended as necessary upon the consent of all the parties.

**For the City of Boston
Office of the Mayor:**


Thomas M. Menino, Mayor

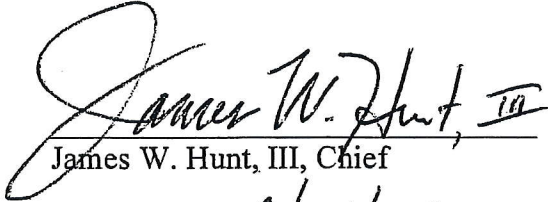
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**For the Office of Commonwealth
Development:**


Douglas I. Foy, Secretary

Date: 9/15/05

**For the Office of Environmental
and Energy Services:**


James W. Hunt, III, Chief

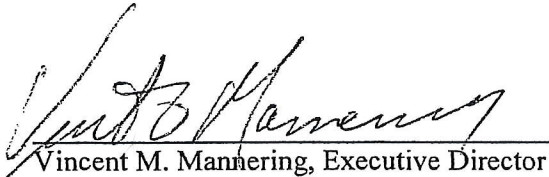
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**For the Executive Office of
Environmental Affairs:**


Stephen R. Pritchard, Secretary

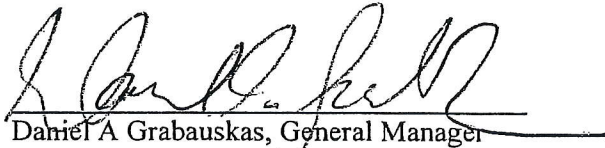
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**For the Boston Water and
Sewer Commission:**


Vincent M. Manhering, Executive Director

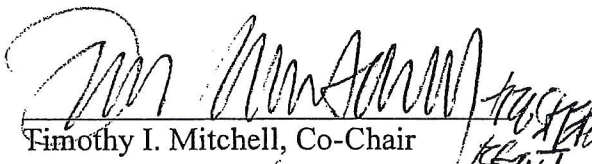
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**For the Massachusetts Bay
Transportation Authority:**


Daniel A. Grabauskas, General Manager

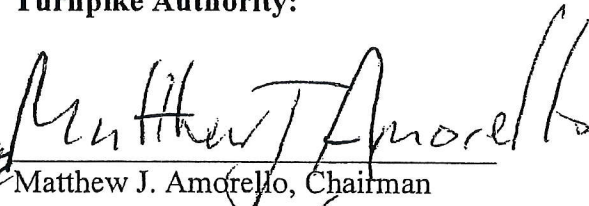
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**For the Boston Groundwater
Trust:**


Timothy I. Mitchell, Co-Chair

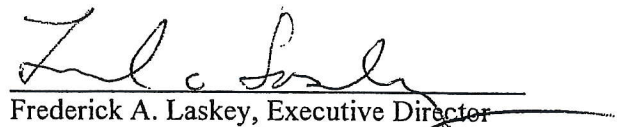
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**For the Massachusetts
Turnpike Authority:**


Matthew J. Amorello, Chairman

Date: 9/15/05

**For the Massachusetts Water
Resources Authority:**


Frederick A. Laskey, Executive Director

Date: 9/15/05