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**From:** Paul Matthews [paul@495partnership.org]  
**Sent:** Friday, October 17, 2014 4:47 PM  
**To:** Baskin, Kathleen (EEA)  
**Subject:** Water Resources Commission

Kathy,

While I appreciate the gesture being made by scheduling an additional meeting of the Water Resources Commission this month, I want to share with you in advance that I remain opposed to taking up the proposed revisions to 310 CMR 36.00 (referred to as SWMI) in our meeting on Tuesday.

As I've pointed out during Commission meetings, as well as sharing with you directly outside those meetings, I am very concerned that the Commission is abandoning our practice of allowing a one month review period between our meeting featuring the release of proposed regulatory changes, and our meeting the following month when the regulatory changes are voted on. This review period allows stakeholders time to review any regulatory changes and communicate their concerns, as well as allow members of the Commission time to hear those concerns before voting on the regulatory changes. This practice is being followed by the Commission with regulatory proposals that are far less complicated and less comprehensive than SWMI, most recently with the revisions to the 401 Water Quality Certification regulations (314 CMR 9.00) that were discussed at our September meeting and voted on at our October meeting. The complexity of SWMI and the length of the documentation under review - the redlined SWMI regulatory proposal is 53 pages, and the associated Guidance Document is another 71 pages – provides clear justification for maintaining or even extending the Commission's usual review period, instead of shortening it to a mere twelve days.

While the commentary and review process for SWMI has been extensive and robust (with my compliments to all involved) as one of only five public members of the Commission, I feel it crucial that the Commission maintain that commitment to allowing thoughtful review by all stakeholders. The importance of allowing this month-long review was illustrated at our last meeting, when both Jennifer Pederson from MA Water Works Association and Julia Blatt from the Massachusetts River Alliance – representing very different perspectives on SWMI – both asked the Commission to keep to our usual month-long review period before voting on the proposed regulations. I was also struck by the fact that many stakeholders have weighed in during the SWMI development process, as shown by the 160 written comments received and the 175 attendees at the public hearings, but relatively few have had the opportunity thus far to share their perspective on the updated regulatory proposal.

Beyond the month-long review allowing the public and stakeholders more time to share their perspective, there are two other notable reasons for the Commission not to vote on this proposal on Tuesday:

- The Water Management Act Advisory Committee will be meeting after the Commission's meeting on Tuesday to review the updated regulatory proposal
- The Legislature's statutorily required thirty day review of the proposal will not be complete before our meeting on Tuesday

For all of these reasons, I would ask that our standard practice of a month-long review be followed, and instead of voting on the SWMI proposal on Tuesday – with only a twelve day review period for stakeholders and members of the Commission – that this item be held for discussion in November. Keeping to such a schedule would maintain the Commission's practice of a month-long review and the state's commitment to a robust review and commentary process for stakeholders, while allowing input from the Water Management Act Advisory Committee and the Legislature after their thirty-day review of the proposal. As one of five public members, I feel it is crucial for the Commission to allow adequate time for public review of this comprehensive and complex proposal.

If you have any questions regarding my concerns or would like to discuss them further, please feel free to call or email me.

**Paul Matthews**

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