

TO: John Wassam, Massachusetts Department of Energy Resources
FROM: Michael Ripple, 23 Billingham Street, Somerville MA 02144
RE: Proposed updates to the Department of Energy Resources (DOER) RPS Class I and
RPS Class II regulations
DATE: May 23, 2019

I am writing about the once in a lifetime certification being inserted into the proposed regulations for hydropower dams under Class I CMR 14.05 (1)(a)(6).

My concern is that DOER could easily face many river quality decisions that will be beyond its regulatory reach. Hydropower operators may not share your intentions or river quality values. I think setting and maintaining enforceable standards is critical. What you see at the start will not endure. I can think of no arrangement in the field of commerce or environmental affairs where there are not agreements, or contracts, that define performance standards. Our rivers should be legally protected. Once quality expectations are certified or agreed to at the start, I can think of no circumstance where some party should have a "green light" to eventually proceed as they wish. If hydropower dam operators proceed in a manner contrary to what you hope to see, you will have no grounds to redirect them. I don't question for a minute your intentions to have healthy rivers. Your proposed regulations, however, put your intentions on very shaky ground.

We are seeing less concern for the environment within government. It is suddenly okay to put coal ash in our rivers. We see the Environmental Protection Agency being slowly dismantled and there is dimming respect for science. It is almost like green lights have popped up all over. Even our air is at risk with the new norms.

History has shown that given the opportunity, industry and municipalities will exploit our rivers. The Clean Water Act was written in 1963 and a series of waivers have enabled many rivers across the state to be used like *sewer pipes* during rain storms ever since. And they are *sewer pipes* quite literally, as untreated human waste is dumped into Massachusetts' rivers. I paddle frequently on the Mystic River and a law suit was pursued to have one town comply with the EPA's Clean Water Act. I am grateful that a law was in place.

And in many cases, politics works its way into how we treat our rivers. Legislators have an interest in the pressures put on towns and corporations, and what their voters feel. Towns and corporations have an interest in protecting their budgets and property values – and things go soft on protecting rivers and letting the public know what is happening. The Governor does not want any new expenses for the budget. Under these pressures, when push comes to shove, rivers and clean water will lose. If there are not solid agreements about how hydropower dams should do regular maintenance to meet standards, the rivers will lose badly. And again, it is human nature to push things to the limit. If we don't define what the limits are, the goals for healthy rivers are lost.

One last example: think of the Red Line and the whole MBTA system. I was a regular commuter eight years ago. The Red Line needed life support then. What happens? The problem falls into some kind of budget morass, political tangles and the reluctance to spend money (also human nature). The subway problem stares us in the face and every possible means is contrived to avoid action. It will happen to poorly performing hydropower dams as well.

Please, do not let hydropower dams have their way with us. Please have explicit language that keeps the power on the side of our rivers.

Thank you for your attention to this.