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From: **Emily Norton** <enorton@crwa.org>

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Subject: Followup from Charles River Watershed Association re stormwater + actions Boston can take

To: <kendra.lara@boston.gov>, Elizabeth Breadon <liz.breadon@boston.gov>, Sharon Durkan <Sharon.Durkan@boston.gov>

Cc: <MICHAEL.F.FLAHERTY@boston.gov>, Ed Flynn (Ed.Flynn@Boston.gov) <ED.FLYNN@boston.gov>, <ruthzee.louijeune@boston.gov>, <julia.mejia@boston.gov>, <erin.murphy@boston.gov>, Gabriela Coletta (<Gabriela.Coletta@boston.gov>) <gabriela.coletta@boston.gov>, <FRANK.BAKER@boston.gov>, <brian.worrell@boston.gov>, <rania.anderson@boston.gov>, <ricardo.arroyo@boston.gov> <ricardo.arroyo@boston.gov>, Sullivan, John P <sullivanjp@bwsc.org>, Bowers, Rachel <rbowers@mapc.org>, England, Katherine (DCR) <katherine.england@state.ma.us>, Chris Osgood <Chris.Osgood@boston.gov>

Dear Chair Lara, Vice Chair Breadon and members of the Committee on Environmental Justice, Resiliency, and Parks,

Thank you for inviting CRWA to testify before the Committee at the October 30 hearing on stormwater. We appreciate your leadership in organizing this hearing which demonstrates your commitment to protecting the residents and properties in Boston from the risks of stormwater flooding, which will only increase over time.

We thought it would be helpful to follow-up with a summary of CRWA's recommendations for you. Please consider us a resource and partner as you work to turn ideas into legislative and/or policy change.

Actions Boston can take right now

- **Require flood history disclosure:** Massachusetts is one of only 15 states that has no disclosure requirements for potential home buyers. Renters also need to be aware of risks to their properties. The City could also investigate the possibility of requiring notification to tenants when a unit is in a 1% or .2% chance flood zone and force landlords to disclose when the unit has previously been damaged by flooding as New York did in December.
- **Provide more funding for stormwater management:** The City Council should encourage the executive branch to partner with BWSC to use the new stormwater utility revenues to repair aging infrastructure, and invest in green and gray infrastructure to reduce flood risks, particularly in environmental justice neighborhoods.
- **Strengthen and broaden stormwater requirements:** Achieving stormwater control on new and redevelopment projects is an important aspect of flood control and reduces pollution to the Charles River. Boston should consider the following steps to strengthen stormwater regulations:
 - (1) **Reducing size thresholds** for triggering stormwater permit requirements. For example in Arlington Ma, any project >350 SF must meet infiltration and storage standards.
 - (2) Increased **storm-based retention standards** In boston new projects must retain 1 - 1.25 inches on site. More ambitious targets can be achieved without economic hardship and will help the city mitigate pollution and flooding. For example storing and infiltrating the 100 year flood is required in Watertown.
 - (3) Requiring green infrastructure stormwater controls to be integrated into **public projects and regularly scheduled roadwork to lead by example** (Such policies have been adopted in Philadelphia,Portland, and Arlington.)
 - (4) Enact additional infiltration and storage requirements in CSO areas
- **Finance property retrofits and repairs:** Boston should provide financial and technical assistance to property owners at risk of flooding.
- **Strengthen development and building regulations:** Updated flood overlay districts and stormwater regulations, and common-sense building code improvements, like raising utilities by at least six inches, can help limit the disruption and financial impacts caused by stormwater flooding.
- **Adopt innovative insurance strategies to assist low-income households:** Many insurance programs are not affordable for low-income households and are slow to reimburse costs. Some cities have started providing insurance

funds up-front, addressing the gap of not having access to cash immediately after a flooding event.

- **Continue to investigate the causes and impacts of stormwater flooding:** We appreciate the extensive modeling BWSC has and is doing regarding stormwater flooding. MAPC's analysis points to the need for additional research into groundwater and wetlands dynamics, as well as impacts on Environmental Justice populations. Ongoing study of flooding events, and interviews with affected residents, are needed to improve our capacity to reduce future flooding impacts. Boston is in an excellent position to partner with some of the world's premiere education and research institutions to further our understanding of these issues.
- **Educate Residents:** One of the lowest cost and most impactful actions that the city can take in the coming months is to conduct outreach and educate city residents and business owners about flood risks and protection strategies. Doing so can help mitigate future negative economic and climate impacts, lay the groundwork for successful emergency response strategies, and help the city prepare for the future. CRWA is happy to help.
- **Combined Sewer Overflows:** 1) The City Council could co-sign a letter to MWRA, MassDEP and US EPA urging elimination of CSOs, which CRWA would be happy to draft. (A bill has been filed that we would urge your support for: H.3241) 2) The City can follow Philadelphia's lead and mandate a certain level of Green Stormwater Infrastructure (GSI) installations within CSO drainage areas in order to reduce CSO discharges; CRWA would be happy to support you in drafting this.
- **Boston Wetlands Ordinance:** The Ordinance Protecting Local Wetlands and Promoting Climate Change Adaptation in the City of Boston ("the Boston Wetlands Ordinance") was enacted four years ago but has yet to live up to its promise of promoting climate resilience and environmental equity in the City. The most critical aspects of the ordinance - the provisions regarding climate resilience, climate equity, and environmental justice - are still not being implemented because the City has failed to develop regulations that would instruct the Conservation Commission on how to implement the ordinance. City Council should ensure that the City invests the necessary resources into this regulatory effort and gets it across the finish line as soon as possible in order to realize the ordinance's intent of building climate resilience throughout Boston in an equitable way.
- **Widett Circle:** Restore all or part of it as a wetland. CRWA analysis shows that doing so would allow the City to store runoff from a 10-inch storm from over 1,000 acres of the surrounding developed area and protect neighborhoods including the South End, Dorchester, and West Roxbury.
- **Beacon Yards:** Ensure that new development takes into account updated climate precipitation models and does not put current or future residents at risk of flooding from precipitation as well as sea level rise and storm surge.
- **I-90 Project:** The analysis by Geosyntec commissioned by CRWA concluded that the at-grade design for the Allston Multimodal project results in the highest risk of flooding, the most stormwater pollution, and the least amount of green space of all three options under consideration. If the at-grade is the preferred design, we urge the City Council to advocate for reduced travel lanes or the implementation of [reversible travel lanes](#) in order to mitigate these negative impacts.

Advocacy: State

- **Flood Disclosure:** Urge state legislators representing Boston to support [SB559 - An Act establishing a Massachusetts Flood Risk Protection Program](#), sponsored by Senator Marc Pacheco. This comprehensive bill simultaneously helps us better understand where flooding is likely to occur and minimizes risk through regular statewide flood assessments and a flood risk protection program that helps move residents and small businesses out of harm's way. [HB1483 - An Act protecting buyers from unknowingly purchasing property in a flood zone](#), sponsored by Representative Dylan Fernandes similarly seeks to provide clarity about potential flood risk.

Advocacy: Federal

- **Enable more widespread access to flood claims data:** Federal privacy requirements privilege the privacy rights of current property owners over the needs of municipalities to identify and respond to flood risk, and over the rights of the public to be informed of risk. The city could help advocate for these changes with the state's federal delegation.

Thank you again for inviting us to testify. We would be happy to meet with you or your staff to further elaborate on any of these recommendations or provide additional insight into these pressing issues.

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Emily Norton | She/her

Executive Director

Charles River Watershed Association

41 West St. Floor 8 | Boston, MA 02111

[Lands of the Massachusett, Nipmuc, and Wampanoag tribes](#)

t 617.540.5650 x 1087 c 508.397.6839