

Assault on the Clean Water Act Threatens Our Rivers

Alison Field-Juma

When Bob Zimmerman, Executive Director of the Charles River Watershed Association (CRWA), arrived in Brisbane, Australia, and saw the tough competition for the International Riverprize, he wasn't so sure that his plane ticket was money well spent. Riverprize is one of the world's most prestigious environmental awards. He needn't have worried. The tremendous achievements of the CRWA and its government partners in cleaning up the Charles River won the day. "The engines of growth in urban Boston are a cleaner Charles River and a cleaner Boston Harbor, and that is no accident. Without the Clean Water Act, nothing would have changed," said Zimmerman.

Yet the federal Clean Water Act itself is now under serious threat. Let's look at what has been achieved and what we can do to ensure that our children and grandchildren will have clean water.

A cauldron of "interesting ingredients"

"[T]he Assabet is ideal for easy Class 2 boating except for one slight drawback; the river is one of the least scenic and biggest eyesores around. You will find all kinds of interesting ingredients making up this cauldron: dead fish, arm chairs, old refrigerators.... And, to top all this, the river smells. Other than that, the Assabet is a great place for boating. If you must go there, consider yourself warned. The trip itself is very short, so you can repeat it several times in one day, that is, if your nose and stomach can stand it." New England White Water Guide, AMC, 1981.

Why a Federal Law?

Here in Massachusetts, when we turn the tap, cheap clean water comes out. Our rivers, which ran the color of the textile dye-du-jour, or were solid and stinking with rotting paper pulp and other industrial waste and human sewage, are making remarkable recoveries. For these improvements we can largely thank federal water pollution control laws, especially the Clean Water Act.

The law that we know as the Clean Water Act (CWA) was passed as a sweeping series of amendments to the 1948 Federal Water Pollution Control Act but was promptly vetoed by President Nixon. A Congressional override put the CWA into effect in 1972. Further significant amendments were made in 1977. The Nixon administration had established the Environmental Protection Agency (EPA) in 1970 and implementing the CWA was one of the EPA's first jobs.

The goal of the Clean Water Act was to restore the nation's surface waters so they are suitable for human recreation, or "fishable and swimmable," and to protect clean water sources for drinking. The CWA prohibited the discharge of pollutants from point sources (pipes or ditches) without a permit. Because pollution control can be expensive, the Act also included a major funding program with grants for up to 75% of the cost of public wastewater treatment facility construction. The law also allowed the EPA to delegate their regulatory authority to states while retaining oversight.

The impact of the Clean Water Act was rapid and widespread. The grants allowed many municipalities to build their first wastewater treatment plants, and cities and towns began to treat raw sewage before discharging it to local streams, rivers and lakes, and to replace failing septic systems with centralized treatment. Westborough, Marlborough, Hudson, Maynard, Concord, **Clean Water Act, page 4**

Concord River Boater's Map Launched

The Concord River Boater's Trail Map, a guide down the historic and scenic Concord River, was unveiled in August. Available in both an online and a pocket version, two self-guided trips are featured along with interesting historical and ecological landmarks, and practical boating information.

The map was produced by the Wild & Scenic River Stewardship Council and OARS with support from Rotary International and the Rotary Clubs of Concord, Bedford, and Billerica.

Ralph Hammond of the Bedford Rotary Club grew up along the river and noted that "the birds and other wildlife along the river's edge have become more prolific and more beautiful than ever.... On weekends it becomes a boater's paradise."



We now have pocket maps for all three of our wild and scenic rivers. Visit www.oars3rivers.org for links to the online maps and for a list of where pocket maps can be found.

Dawn Marshall (Billerica Rotary Club President) and Ralph Hammond (Bedford Rotary Club member) on the pontoon boat tour of the Concord River during the Boater's Map launch.

Keeping Our Voices Loud and Clear

This issue of the *OARS Newsletter* focuses on a topic that tends to fly under the radar. It has profound practical implications for our rivers and quality of life: the fate of the Clean Water Act.

There are currently very real attempts to dismantle the Clean Water Act and the Environmental Protection Agency that implements it. We are very concerned that the progress we have made in restoring the health of our rivers may become difficult to defend or continue. I hope you will dive into the lead article and read about the Act's remarkable successes, new threats that are emerging even as I type this letter, and what you can do to ensure that we are able to protect and restore our rivers for the generations who follow us. We, collectively, are the voices of our rivers. We hope that you will join with us to keep those voices loud and clear.



Other important news affecting our watershed: wild brook trout have been found in streams in Sudbury, and the state's *Climate Change Adaptation Report* has been released. The first item, the result of hard work by Trout Unlimited volunteers working with the Sudbury Conservation Commission and Mass. Division of Fisheries and Wildlife, reminds us of the wonders of nature still hidden right under our noses. The Massachusetts *Climate Change Adaptation Report* is the uncomfortable truth about what will be happening to our local environment (including the trout) and what we need to do to be prepared and minimize the damage. Our water resources will be hit hard but with smart planning and investments we can soften the blow.

If you missed the news about the trout and the climate report, then "Like" us on Facebook or check our homepage at www.oars3rivers.org and you will be in the know! To keep abreast of what you can do to make a difference, join our email list and receive targeted practical information through our Action Alerts.

We wish you a happy and healthy winter.

Very truly yours,

Alison Field-Juma
Executive Director

OARS

Protecting, preserving, and enhancing
the Assabet, Sudbury, and Concord
Rivers, their tributaries and
watersheds for the purposes of public
recreation, water supply, and
wildlife habitat.

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Our Future River Stewards



Marlborough High School students create a list of innovative solutions to the problem of litter in our Watershed as part of the Intel-OARS Innovation Workshop. The Workshop was presented to 29 students in AP Biology and AP Environmental Science by Paul Goldman, OARS Board of Directors, and Ingeborg Hegemann Clark, OARS volunteer, with the assistance of Intel volunteers Keith Poirier and Mario Turano. Students were given a hands-on "how to innovate" experience in preparation for the Intel-OARS Environmental Innovators Contest in February. Contest details are at www.oars3rivers.org.



Children from the Hudson Boys and Girls Club build a watershed in the sand as they learn about storm drains.

Westborough participants exploring the world of aquatic insects, indicators of water quality.



Fun, thought-provoking Water Wise Workshops encouraged children to explore the world of water and learn how to protect it. The series of five workshops, taught by OARS Education Coordinator Bill Froberg and interns Molly Banks and Chelsie Vokes were offered in Westborough, Marlborough, Stow, and Sudbury during July and August. The free workshops were possible thanks to support from Intel Massachusetts and Dow Chemical.

Removing Unwanted Weeds from the Assabet



This summer marked the fourth year of pulling invasive water chestnuts from the Assabet. A huge thank you to Dick Lawrence and Allan Fierce for leading three days of hand pulling from Cox Street in Hudson to the Ben Smith impoundment in Maynard.

We also thank the Youth Conservation Corps (provided by U.S. Fish and Wildlife Service) and OARS' volunteers Bettina Abe, Carolyn Arcabascio, Jennifer Crommett, Lisa Fierce, Joe Glannon, Jack Langsdorf, Mark Mayall, Laura Reiner, Brett Robinson, Linda Schymik, David and Heather Siewierski, and Lisa Vernegaard for their help. We are grateful to the Assabet River National Wildlife Refuge, Honey Pot Hill Orchard, and Stow Acres for composting all the weeds removed from the river.

Water chestnuts (*Trapa natans*) thrives in slow moving, nutrient-rich waters. In dense patches water chestnut can completely cover the water surface, limiting oxygen penetration, damaging habitat for fish, and making canoeing almost impossible. At nuisance proportions in sections of the Sudbury and Concord Rivers, they are found in limited patches on the Assabet. We hope to control these infestations before they too become a major nuisance.

OARS has just been awarded a \$4,000 grant from The ERM Foundation to map and remove invasive water chestnut in the Assabet River and develop a control plan. If you would like to volunteer to help us next summer, please call 978-369-3956 or email office@oars3rivers.org.



Top: Dick Lawrence and Allan Fierce loading baskets full of weeds to transport away for composting. Bottom: Youth Conservation Corps along with Dick and Allan.

and Billerica all built treatment plants in the 1960s and 1970s.

The federal Safe Drinking Water Act quickly followed in 1974. It required the EPA to set standards and oversee drinking water quality. The next significant change affecting rivers was the Water Quality Act of 1987. This Act required the EPA to monitor water bodies to assess progress, and added stormwater pollution discharged by industries and municipalities to the permitting system. This addition was based on EPA research finding that stormwater runoff was a significant source of water pollution. On the downside, the 1987 Act also changed the construction grants program into the revolving loan program that exists today, the Clean Water State Revolving Fund (SRF). This shifted the substantial cost of wastewater treatment fully to local communities.

Massachusetts and New Hampshire are two of only five states where the EPA retains permitting authority rather than delegating it to the state. This is mainly due to these states being unwilling or unable to allocate sufficient funds to take on the task. Massachusetts enforces its own Clean Water Act, which mirrors the federal law. The Mass. Department of Environmental Protection (DEP) sets and certifies water quality standards, conducts monitoring and assessments, and jointly issues and enforces discharge permits with the EPA. It also regulates drinking water withdrawals.

Has the Clean Water Act worked?

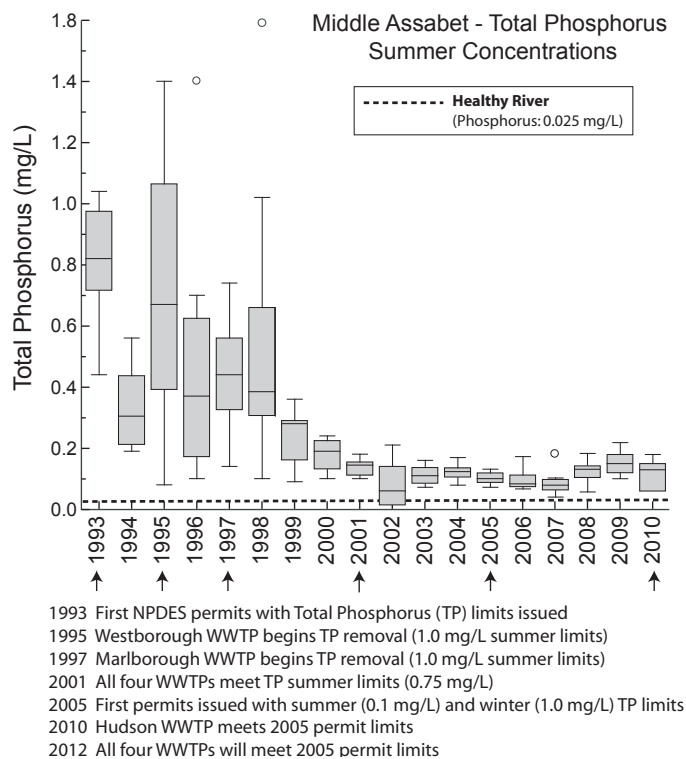
There has been much progress in cleaning up our nation's waters since the 1970s. Rivers don't catch on fire anymore, and the unidentified floating objects they contain are more benign than in the past. We can realistically aim to restore a healthy aquatic habitat in rivers where, like the Assabet, you could practically walk on the "water" due to the dense mats of rotting floating aquatic plants and algae. Among other things, healthy habitat brings the joy and economic activity provided by outdoor recreation such as boating, fishing, hunting, birding and hiking.

The success of advocates and regulators in restoring the Charles River moved it from an EPA report card grade of D in 1996 to B+ today. "There was something about

What has been achieved on the Assabet, in a nutshell

Everyone knew the Assabet in the 1980s was a mess, but what would be an effective strategy to clean it up? The Clean Water Act requires that a study be done to identify and quantify the causes of pollution and lay out an affordable plan, based on the science, to control the pollution enough to meet water quality standards (Class B, "fishable and swimmable"). OARS pressed for the study, known as a TMDL, to be done. Mass DEP issued the final report in 2004. It showed that phosphorus from wastewater treatment plants was the main source of the Assabet's pollution, followed by phosphorus recycling in the sediments captured behind the five mill dams that impound the river.

The TMDL provided a roadmap for discharge permits issued under the Clean Water Act. A two-step 10-year process was agreed upon: The first 5-year permits were issued in 2005 requiring upgrades to the municipal treatment plants to meet stringent phosphorus limits; the next 5-year permits are now due and are expected to contain more stringent phosphorus limits if needed to enable the river to meet its goal. OARS' data in the graph below show the significant improvement in phosphorus levels in the river since 1993, and what improvement is still needed. Adding more wastewater to the river, successfully opposed by OARS, would make it more difficult to meet this goal.



establishing a goal, timetable, and a measure of accountability that helped turned the tide," said John DeVillars, Regional Administrator of the EPA's New England office (1994-99) (*Boston Globe*, Oct. 11, 2011).

During her tenure as OARS' first Executive Director (1998-2005), Julia Blatt didn't see many changes in the Assabet. It was still disgusting in the summer, unhealthy for people and wildlife, and the butt of teenagers' jokes. She focused

on getting better wastewater discharge permits under the Clean Water Act so that now, six years later, we would be able to see real measurable changes in the river. "Change in a river is measured in decades, not years," she notes. "We laid the groundwork for a much healthier river, and it wouldn't have been possible without the Clean Water Act."

Given the effectiveness of the Clean Water Act, why doesn't everyone love it?

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Having clean water to drink and enjoy is incredibly valuable to us personally and to our economy. However, we are used to it being unrealistically inexpensive and our lack of investment is now catching up with us. Some communities are feeling sticker shock, and water infrastructure investments must compete with other urgent funding priorities. It was much easier to build wastewater facilities when there were federal grants available. The current state revolving loan programs help, but loans must still be repaid.

There are also equity issues. A town discharging wastewater in the headwaters of a river, like Westborough, doesn't experience the negative results felt downstream in Hudson or Stow. Upstream residents may feel that they don't derive a benefit sufficient to outweigh the increase in sewer rates to pay for additional wastewater treatment. Downstream residents see no reason that they should be the recipients of the pollution generated elsewhere. While in the past rivers conveniently took away our waste for free, this has become a more expensive form of disposal. Unfortunately it is still, generally, the cheapest. State and federal laws help manage this conflict by using science-based standards to address the problem across all communities.

Sadly, these achievements and goals are now under serious threat at all levels.

From "The Filthiest Harbor in America" to Engine for Growth

A boat tour of Boston harbor today provides a vista of small recreational crafts, people fishing, tourist boats, high-end condos and restaurants, the Aquarium, the Boston Convention Center, and the boom and bustle of construction and recreation. Most of the buildings are new or renewed, the economic activity unthinkable back in the 1980s when the press dubbed Boston Harbor "the filthiest harbor in America." In 1985 a Quincy city solicitor stepped in raw sewage while jogging on a Boston beach...and sued the city under the Clean Water Act. The judge ordered construction of a new treatment plant, followed by a schedule for a massive cleanup. We see the results today. For more information: www.savetheharbor.org

National Threats to Clean Water

On the federal level, the Clean Water Act was seriously curtailed by two confusing Supreme Court decisions in 2001 and 2006 that sought to eliminate protection of many wetlands and tributaries. Guidance proposed by President Obama that clarifies and protects these resources has been blocked by the House of Representatives. But legislators haven't stopped there: this year, Death by a Thousand Cuts has been applied through the budget process. The Interior Department budget appropriation approved by the House cut funding for the Clean Water State Revolving Fund by 55% and cut EPA operations by 18% (on top of the 16% cut passed in April).

Congresswoman Niki Tsongas (MA-5th District) argued on the House floor: "... This [appropriations] bill would dismantle the Clean Water Act, which would not only undermine our constituents' access to clean and healthy waterways but also would mean the loss of tens of thousands of jobs." (July 25, 2011) The appropriations bill also contained 38 "riders" that specifically blocked implementation of: river restoration, EPA oversight of state actions, new air and water pollutant standards based on current research, endangered species act, and climate change adaptation programs (including the Department of Homeland Security's work to identify security threats due to climate change). The full list is quite overwhelming. (www.oars3rivers.org⇒ Our Work⇒Speaking Up⇒State and Federal Policy)

Then there is the "Clean Water Cooperative Federalism Act of 2012" (HR 1818), which would undermine "the fundamental water protections the American people rely on and would reverse decades of progress... [It] is a direct assault on two key components of the Clean Water Act: enforcement of water quality standards and protection of aquatic resources from discharges of dredged and fill material." (June 20, 2011, letter from Sierra Club, NRDC and other groups to House committee chairs).

Enough already? What prevents these bills becoming law is a few Senate votes and a Presidential veto—that's it.

State and Local Threats to Clean Water
State financial woes have led to years of

One teenager makes a difference

In June 2010, 9th grader Sam Copeland discovered a discharge of untreated wastewater to the Wild & Scenic section of the Assabet River in Concord. Mass DEP and EPA took samples which showed high levels of fecal coliform bacteria, ammonia, and pharmaceuticals. The discharge came from the Concord prison (MCI-Concord). DEP issued an Administrative Order and by October MCI had identified the likely sources and redirected them to the facility's wastewater treatment plant. All of us can paddle a cleaner and safer Assabet River; thanks to the efforts of Sam and state and federal environmental agency staff enforcing the Clean Water Act.

disproportionate cuts in environmental agencies. All environmental spending in the Commonwealth now represents less than 1% of the overall state budget. The FY 2012 budget brings it down to a shocking 0.57%. According to Nancy Goodman at Environmental League of Massachusetts, "It's never been worse We are now at risk of making environmental agencies dysfunctional, unable to fulfill their basic role protecting the environment and public health." This is particularly true for the DEP which has suffered a 30% cut in staff since 2002. Among its many duties, DEP is responsible for enforcement of water pollution violations, water quality monitoring, water withdrawal permitting, and overseeing hazardous waste cleanup, all requiring a highly trained professional staff. When Sam Copeland (see Box) found raw wastewater flowing into the Assabet, who took samples and enforcement action? DEP. They have tried for years to do more with less; now they can only do less with less. Now let's look at the local level.

A proposed Massachusetts ballot initiative for 2012 (Petition 11-10) would cap municipal water and sewer rate increases at 2½% annually. A spokesperson for Citizens for Limited Taxation, the Prop 2½ property tax proponent, thinks this is "fishy," after all, water and sewer rates are fees for service, not taxes. According to Senator James Eldridge (D-Acton): "This ballot initiative would cripple the ability

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Thank You to our 25th Annual River Cleanup Sponsors, Donors, and Volunteers!

In celebration of our 25th Annual River Cleanup, over 130 volunteers came out to make a difference in their communities. On Saturday, September 17, mountains of trash were pulled from the rivers and their banks in towns up and down the Assabet, Sudbury, and Concord Rivers.

This year, for the first time, our cleanup included sites on the Sudbury River. We wish to welcome new site leaders, Pat Conaway (Framingham) and Betty Salzberg (Wayland). Thank you to all who participated!

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Marlborough: Classic Pizza, Home Depot

Maynard: Maynard Pizza House, Pizza Express

Northborough: Monti's Pizza, Northboro House of Pizza

Stow: Shaw's Supermarket

Wayland: Donelan's Supermarket, Starbucks

Westborough: Uno's Pizza, Bertucci's

Other: B-P Trucking

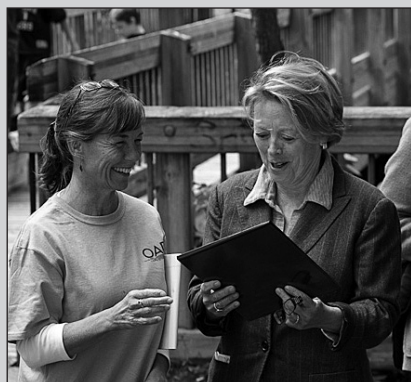
Towns:

Concord Highway Department
Hudson DPW
Framingham DPW
Marlborough DPW
Maynard DPW
Northborough DPW
Stow Highway Department

Thanks to our site leaders, scouters,

and boat haulers: Don Burn, Pat Conaway, Mike Duclos, Alan Fierce, Bob Guba, Dick Lawrence, Marty Moran, Priscilla Ryder, Betty Salzberg, Drew and Kathy Simmons, and Pete Tobin.

Visit www.oars3rivers.org and go to "events" for photos of the cleanup.



As part of her River Day 2011 tour, Congresswoman Niki Tsongas stopped by Maynard during our cleanup. After working alongside volunteers, she presented Certificates of Congressional Recognition to long-time OARS' cleanup site leaders Priscilla Ryder (Maynard) and Bob Guba (Acton). Haley Morris was also honored for organizing a river cleanup in Billerica as part of a Girl Scout project.

Concord Carlisle High School student Sarah Welch (far right) fulfilled her science class' community service requirement by organizing a cleanup on the Concord River. Sabrina Bohrer, Adrian DiRomualdo, and Carolina Conely joined her on a Sunday morning to kayak up and down the river pulling trash from along the banks.



Welcome, New Members!

John Aberhart
Donald Blake
Mr. and Mrs. Tom D'Arcy
Alice Daly
Kirk Doggett
Mr. and Mrs. Robert Earl
Steven Eisenman
Pamela Ellis
Thomas and Juliette Fay
Laurie Foster
Lynne Fountain
Cheryl Geckler
Robert Goldsmith
Tara Green
Lydia Gregoret and Charles Wilson
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Mr. and Mrs. Barry Hershey
Ellie and Paul Horwitz
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Ed Schwartz
Melissa Sharp
Charles Shea
Anitha Shenoy
Coral Sullivan and Jim Bricker
James True
Ross Venables
Alison Wellman Smith
Lois and Alan Whitney
Hans Wolff
Henry Woolsey

OARS

**Yes, I'd like to help the Assabet,
Sudbury, and Concord Rivers!**

Name: _____

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for water districts and towns and cities to provide a clean water supply and to treat water for their residents." *Waltham News Tribune*, Oct. 12, 2011. Senator Eldridge, Senate chair of the Water Infrastructure Finance Commission, adds that this is the opposite of what is needed, which is to come up with ways to meet water infrastructure needs throughout the state. The Commission will be proposing a Blue Communities Act to do this.

The effects of these proposed cuts to our environmental agencies and the laws they enforce would include:

1. Less enforcement and more polluted water
2. Delays in permits being issued
3. Diminished use of science in decision-making
4. A race to the bottom between states as they compete to attract polluting projects and industries
5. Uncertainty for municipal and industry budgeting and planning
6. Minimal adaptation to climate change

Those are six things that we can't afford. The results would be serious impacts on health, economic growth, and the livability of our communities. But there are many things we can do about it.

What you can do

Education yourself, stand up, be heard, and vote! Communicating with our local and state representatives and those in Washington makes a difference. Here are some ideas that can send a strong message and tip the scales in favor of our rivers:

- Sign up for *OARS Action Alerts*—we will help you take and communicate well-informed positions. Go to "Take Action" on our website.

Local:

- Support town meeting budgets and votes on *infrastructure investments* that protect water resources.
- Support your town or water district's requests to *increase water and sewer rates* when needed.
- Ask your city or town to find *wastewater management alternatives* that are more sustainable than discharging wastewater into our rivers.
- *Keep conserving water*—Go to "Take Action at Home" on our website.

State:

- Write letters to local papers and *send the published letters to your legislators*.

National:

- Tell your senators and representatives that you support the EPA and the Clean Water Act. *They need to hear from us*.

National polls show that clean drinking water is one of Americans' top priorities. Clean rivers, streams and harbors are assets that drive much-needed economic development. A tremendous amount of progress has been made in the past 100 years in protecting and restoring our nation's waters. Why would we let that go? The rain that falls from the skies and courses through our rivers like the veins in our bodies is precious beyond words. Let us be sure that its value is recognized in all that we, and our local, state and federal government, do.

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OARS

OARS is your local river conservation organization. Established in 1986 to protect the Assabet River, in 2011 OARS added the Sudbury and Concord Rivers to its mission.

OARS has over 900 members, a dedicated board of directors, a small professional staff, and a large corps of active volunteers. Our work benefits all communities in the Sudbury-Assabet-Concord watershed.

Please visit us at www.oars3rivers.org

Get connected to the latest news affecting our rivers. "Like us" on



Sudbury-Assabet-Concord Watershed

