



## Phosphorus bill could help local businesses dealing with new stormwater regulations

By **Brian Benson/Daily News staff**

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Legislation that would ban phosphorus in fertilizers has taken a step forward, receiving support from several business organizations worried about the costs of proposed federal Environmental Protection Agency stormwater regulations.

"While it's certainly an environmental bill, I look at it as an economic relief bill," said State Rep. John Fernandes, D-Milford, who sponsored the legislation with State Sen. Richard Moore, D-Uxbridge.

Legislators are pitching the ban as a way to cut down the amount of phosphorus that makes the restrictions called for in the first place. The EPA indicated the regulations may be adjusted if such a bill is passed and overall phosphorus use is reduced, Fernandes said.

"This is probably one of the most important (pieces of) river quality legislation I've seen," Bellingham Department of Public Works Director Donald DiMartino said. "It could reduce the amount of physical stormwater improvements we would have to do."

Fernandes said a joint environmental committee recommended it last week and referred it to the House Ways and Means Committee.

The EPA has designated Milford, Franklin and Bellingham as pilot communities for enhanced regulations controlling stormwater runoff that carries phosphorous into the Charles River. The regulations would apply to businesses with two or more acres of pavement, roofs and other surfaces impervious to water. A related proposal would strengthen stormwater requirements that cities and towns throughout the Charles River Watershed face.

An EPA-funded study estimated it would cost about \$180 million for the three pilot communities to comply with the proposals, which are still in a draft form.

"I think a lot of people had their eyes widened by the figures," said Steve Gordon, general manager of the Doubletree in Milford. "Everyone's a little confused right now about how this would work going forward."

Gordon said Doubletree is still evaluating how much it would cost to meet the regulations on the company's 8-acre property.

The phosphorus bill includes exceptions for agricultural land, soil where tests determine phosphorus is needed and lawns in their first growing season. Bellingham's DiMartino said most soils in the area do not need phosphorus fertilizers.

Fernandes said the EPA has indicated it may reduce the phosphorus reduction targets by 10 percentage points if the state adopts the legislation, potentially saving millions of dollars.

Those targets, before the possible reduction, would be 57 percent for Milford and 52 percent for Franklin and Bellingham.

Proponents of the regulations have said excess phosphorous causes an overgrowth of bacteria and algae, threatening the river's ecosystem and recreational uses.

"Nobody is going to disagree that this needs to be done," Franklin Town Council Chairman Scott Mason said. "It's just a question how it's done, over what timeframe and how it's paid for."

Several business groups, including the 495 Metrowest Partnership, National Association of Industrial and Office Properties, and Associated Industries of Massachusetts, have backed the phosphorus bill.

"We would like to see a phosphorus ban passed on fertilizer," said Jessica Strunkin, the partnership's deputy director of public policy and public affairs.

Strunkin said the EPA-funded report "showed a significant reduction of phosphorus runoff in stormwater" if some cost-effective, non-structural approaches such as the ban are used.

Barry Feingold, president and CEO of the Milford Area Chamber of Commerce, said the potential for regulation has prompted some businesses to consider moving outside of the watershed.

"It's definitely a very good measure," Feingold said. "We really have to look at all kinds of different measures we can take to mitigate the effect on property owners."

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It's commendable that the state officials are trying to step in and do something about 1) the high phosphorus levels and 2) this crazy mandate from the federal EPA that three towns will be used as guinea pigs in how to solve the phosphorus problem, and by the way, they'll have to pay hundreds of millions in the process.

It's ridiculous that the federal government is persisting in this unfair plan that puts the burden on three towns within a watershed and not all the towns in the watershed. The only fair way to do it is to treat every town in the watershed the same, so if you're going to make the businesses in three towns pay for this, you make the businesses in every town in the watershed do it. And, yes, this is the Charles River and the watershed includes Boston, Cambridge, and a lot of other places with deeper pockets than Milford, Franklin and Bellingham.

If you don't want to do that and you want to try an experiment with three of the towns, then the federal government should pay for the experiment.

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PROHIBITION has NOT, and will NOT, help reduce phosphorus loading in lakes.

There are a multitude of sources of PHOSPHORUS POLLUTION to deal with

Agricultural phosphorus fertilizer that is soil injected for corn germination

Anti-ice compounds, such as de-icing chemicals and road sand

Excrement from urban pets, such as dogs and cats

Excrement from waterfowl, such as geese

Industrial discharges

Laundry soap and dishwashing machine detergents

Septic tank systems that are leaking and/or improperly installed

Soil erosion from freshly-ploughed ( tilled ) agricultural land

Soil erosion from urban construction sites

Tree and shrub leaves that drop in the autumn months

Waste water originating from urban treatment plants

Turf phosphorus fertilizers are NOT a major source of phosphorus pollution

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