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LWD Objects to Concord's Claim of Monopoly on Littleton Water Resource

LITTLETON – As Littleton grows and the population increases, the Littleton Water Department is addressing both short-term and long-term needs through conservation, efficiency and the development of new water sources within the town's own borders, including the immediate development of a bedrock well located near Cobbs Pond and the negotiation of a sharing agreement for the surface waters of Nagog Pond that would take effect in the near future. However, the Town of Concord is seeking to block both of those efforts by monopolizing water resources in the area of Nagog Pond – a water body that is half located within the borders of Littleton and half within Acton – and claiming that Littleton's proposed bedrock well is somehow connected to Nagog Pond, a claim unsupported by the extensive studies that Littleton has completed to date.

The LWD has sought to negotiate with Concord the use of the Nagog Pond water resource, using the process outlined in the Legislative Acts of 1884. That legislation protected both Littleton's and Acton's rights to the pond, while allowing Concord to use the water until such time that it was needed by those towns. As a result of Littleton beginning this process, Concord has asked the state land court to block Littleton and give Concord exclusive rights to the water.

"We have an obligation to Littleton to meet the future water needs of the community, and we have a statutory right to Nagog Pond as a local resource. We believe we can responsibly share this resource with Concord and Acton to help meet the needs of all the communities. Unfortunately, Concord is claiming that a water body located in Littleton and

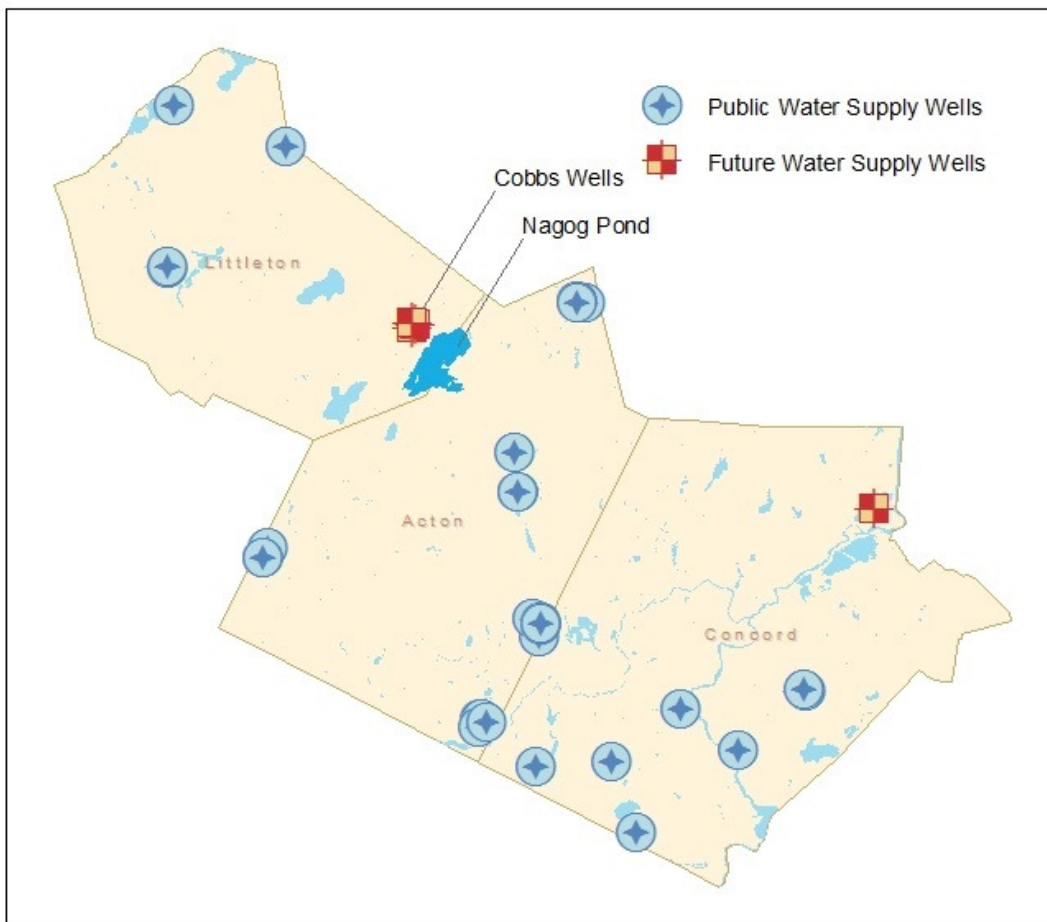
Timeline of Events

- The Acts of 1884 gave Concord rights to Nagog Pond water, while also giving Littleton and Acton rights to the water should they require it.
- In 2001, Littleton began exploring a bedrock source of water supply near Cobbs Pond and met strong opposition from Concord, which claimed the bedrock aquifer was somehow connected to Nagog Pond.
- In 2011, Littleton invited Concord's participation in the design of a study to determine whether there was any such connection. All study results indicated that there was none.
- In 2016, Concord declined to participate in any further studies of the Cobbs Well. Littleton proceeded with the study in order to proactively quell Concord's stated fears before starting the state application process. Again, all study results showed no connection between the bedrock aquifer and Nagog Pond.
- In 2017, Littleton proceeded with an application to the state to develop the well site. Again, Concord was invited to participate in discussions between Littleton and MassDEP and comment on the design of the state-required pumping test. Littleton modified the pumping test design based on Concord's comments and MassDEP's recommendations.
- In the summer of 2018, Littleton conducted the pumping test, collecting more than 1 million data points. The data are still being analyzed, but preliminary results indicate no direct connection between the Cobbs Wells and Nagog Pond.
- Last week, Concord filed suit in Land Court seeking a declaratory judgment to revoke Littleton's rights to Nagog Pond under the Act of 1884. Concord is also asking the Land Court to rule that the state's Water Management Act effectively repealed all other water rights previously granted by the Legislature. This would be a precedent-setting case.

Acton belongs to a town five miles away, despite the clear intent of the 1884 act and the availability of untapped resources within its own borders,” said Nick Lawler, General Manager of the Littleton Electric Light and Water Departments.

As part of an overall water system capacity improvement plan, LWD recently completed a pumping test on the new groundwater well near Cobbs Pond. Preliminary results indicate that development of this water source would meet the needs of Littleton for at least the next 20 years and that there is no direct connection to Nagog Pond. LWD is also working to maximize production at its three other well sites and to improve the water system infrastructure for greater efficiency. Only after all of these efforts have been realized would Littleton seek to withdraw surface water from Nagog Pond. However, Concord is actively attempting to block development of the Cobbs Well, threatening Littleton’s future water security and potential for growth.

While LWD seeks new water sources within its borders to meet continued growth, its residential customers are conservation-minded users. LWD residential customers used about 50 gallons per person per day in 2017. This number is below the statewide average of 54 gallons for the same year. By way of comparison, residential customers in Concord used 65 gallons per person per day in 2017, according to figures available from the Massachusetts Department of Environmental Protection. Meanwhile, Acton residents, similar to Littleton, used an average of 53 gallons per day.



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