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By Charlie Breitrose/Daily News staff

[Print Page](#)

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Natick residents appeal herbicide use at Lake Cochituate

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The appeal claims the application made by DCR and approved by the commission in April violates the state Wetlands Protection Act and does not contain enough detail about the planned work.

Attorney Martin Levin of Stern, Shapiro, Weissberg and Garin, filed the appeal Wednesday with the state Department of Environmental Protection in hopes of halting the use of the herbicide Reward, which has the active ingredient diquat.

Levin said the primary concern is the threat that the town's drinking wells could be contaminated with diquat. He said DCR officials did little to show it would not.

"Certainly of critical concern, both under the Wetland Protection Act and for residents of Natick, is the DCR provided absolutely no scientific analysis to the risk to the town wells," Levin said. "Basically, they just said we don't think the diquat will get there."

The Conservation Commission voted 4-3 to approve use of the chemical on five acres of the pond near the public beach and boat ramp. The area is about 900 feet from some of the town's drinking water wells, which are fed in part by groundwater from the lake.

Representatives of the Conservation Commission could not be reached for comment yesterday.

As a condition for the use of chemicals, the commission required the DCR to test the wells after using them. Levin said those conditions come after it's too late, should the substance prove to be a threat.

"The Conservation Commission, rather than requiring that analysis of the threat instead said do some sampling and see afterward whether diquat got into the wells or not," Levin said. "The whole point of Wetlands Protection Act is to prevent the damage from happening."

The group organizing the appeal, Protect Our Water Resources, collected the signatures over a five-day period. Group Chairwoman Carole Berkowitz said she was pleased to see so much support.

Many of those backing the appeal live on the lake, Berkowitz said.

"These people who signed the petition would rather see a harvester being used because they feel it is not threatening to their drinking water," she said.

"I hear...the harvester costs more money," Berkowitz said. "Another way to look at that is the chemicals don't work. They don't get rid of the plants for more than a year, two years at the most. Then the weeds are back."

The appeal process will likely take several months, Levin said, and diquat cannot be applied until after receiving approval from the DEP. Levin said he expects the appeal to take several months.

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