THE COMMONWEALTH OF MASSACHUSETTS

WATER RESOURCES COMMISSION

Meeting Minutes for August 8, 2002

Members in Attendance:

Mark P. Smith	EOEA
Marilyn Contreas	DHCD
Richard Thibedeau	DEM
Gerard Kennedy	DFA
Richard Butler	Public Member
Matthew Rhodes	Public Member
David Rich	Public Member
Frank Veale	Public Member

Others in Attendance:

Michele Drury	DEM/OWR
Linda Marler	DEM/OWR
Vicki Gartland	DEM/OWR
Jeff Tocchio	Sager-Perrone
Eric Skadberg	Sager-Perrone
Pine Dubois	Jones River Watershed Assn.

Item 1: Executive Director's Report

- Mark Smith introduced the newest member, Matthew Rhodes; he represents the agricultural sector and the cranberry industry. Members and staff introduce themselves to Matthew.
- Mark extends an offer of thanks to WRC host, David Rich from the Mashpee Water District for the tour and the lunch.
- Budgets are not in good shape; the commission and all agencies will be affected directly.
- The Environmental Bond Bill passed. This will fund a lot of important programs, like the USGS Cooperative Program, and the Watershed Initiative. The Bond Bill is about $750 million. There were a lot of earmarks for special projects put in the Bond Bill; these will have to be reviewed.
- There was a letter mailed out to Salem-Beverly Water District concerning the submersible pump they installed to help divert water from the Ipswich River to their system. They neglected to get a number of state approvals including Wetlands Act and Water Management Act, and potentially Interbasin Transfer Act. Michele Drury met with them; they claimed that the pump is just for redundancy, which is exempt under IBTA. It is not clear how the pump is set up, if it is meant to be a redundant pump or to add to their ability to increase their interbasin transfer. Michele asked them to submit a determination of applicability, which

they have not done. Mark wrote them a letter to ask them to come in to meet with the Commission, but they have not responded.

- Guide to Lawn and Landscape has been printed (500 were printed, 350 were mailed out).
- Lawn and Landscape Water Conservation Policy has been commented on by DEP. Copies will be sent to everyone who commented on the previous version to show them the new format and look for a vote in September or October.
- Watershed Initiative is putting together a Strategic Implementation Plan to try to sharpen its focus, help the Commission be more involved with watershed team basin work, and to allow staff recommendations for the plans.

Hydrologic Conditions Report:

- July was a dry month. We had about 1.8 inches statewide, about 50% if normal. The Cape had less than an inch; Southeast MA had just a little more than an inch.
- Precipitation deficits have gone back up for the water year, up to eight inches statewide, and in Central and Connecticut regions, up to nine inches.
- Statewide for the water year we are at 79% of normal.
- The end of July, the Drought Management Task Force had a meeting at MEMA. They decided to continue the drought advisory.
- There also concerns about fire danger levels being very high.
- Groundwater levels continue to be low in Southeast and Cape Cod Regions.
- The Task Force is meeting again on Tuesday August 13th, and will make another determination about the appropriate drought levels.
- The Weather Service is forecasting dry conditions for July and August and possibly through November.
- There has been an El Niño developing, but not a strong one. It has the potential to minimize tropical storm development in the Atlantic. If it is a strong El Niño it might bring rain in the late fall.
- Groundwater levels have largely been in the normal range for the month of July, the exception being the southeast region, Cape Cod, and the islands where they have been below normal. During the first week of August, they continued to decline.
- Streamflows during July in most parts of the state were below normal. We are in slow decline for stream flow.
- Water supply reservoir levels seem to be in acceptable ranges, some are below normal, currently towns are not panicking about not being able to make it through the summer.
- Fire danger levels have been a problem on average. In July the level was at 3 out of 5 on a 1 to 5 range. They have been very high 4 out 5 on southeastern Cape Cod and this has continued into August. The numbers and intensities of fires are worse this summer. It is taking days to extinguish fires that would normally take just hours
- The Drought Mitigation Center considers the state to be experiencing abnormally dry conditions, and is rated at the first of five drought levels. All of New England is in some level of a drought.

The commission discussed the drought and water bans.

Item 2: Vote: Charlton's Request for Determination of Insignificance

Charlton submitted a letter last week asking for another extension of the Commission's review. Charlton has had some difficulties meeting the criteria of insignificance with their original proposal. They have severe water supply problems, they have volatile organic contamination in private wells. The town does not have its own water supply. Charlton is going to be entering into a consent order with DEP. This issue will be updated in September.

Item 3: Presentation of the Staff Recommendation on the Sager-Perrone request for Determination of Insignificance

Michele Drury introduced the representatives from the Sager-Perrone Company. This issue is tied into last month's decision on the Weymouth Landing Area sewering project. The Commission is concerned about "nibbling around the edges" of the Town of Weymouth by individual entities trying to hook into the Weymouth and MWRA system. At the time of the decision, the Sager-Perrone project already was in the process, so this did not apply to them. Restrictions were put on any community, which either wanted to hook into Weymouth or had individual properties that wanted to hook into Weymouth. The restrictions were, that they needed to have a Comprehensive Wastewater Management Plan; they would have to meet the requirements of Weymouth's Sewer Connection Program; and they would need Interbasin Transfer approval and MWRA approval.

There are two buildings in the industrial park. They currently have wastewater issues. They looked into in basin on site septic systems, but they did not pass the title 5 requirements. They are building a pipeline with the capacity of 55,000 gallons a day (gpd); this has about 12 times more capacity than these two buildings need. The buildings will only generate about 4,500 gallons per day. The higher amount of 55,000 gpd did not meet the criteria for insignificance. MWRA had concerns that putting in a pipe this size would open up other areas to be sewered, and impact their overall capacity. Their NPDES Permit limits the capacity to their system. WRC staff drafted a contract and legislation with the Town of Weymouth, which they would need to join the MWRA. The draft strictly limits the amount of flow to 4,500 gallons per day. Staff checked with legal counsel to make sure we could use contracts in legislation as a surrogate. As a result, staff recommends that the Commission find the lower capacity of 4,500 gallons per day to be insignificant, contingent upon the final contract and final approved legislation containing the language that restricts the flow to 4,500 gallons per day.

The two companies receive their water from Mass American Water (now called Aquarion) which has sources over in the Weir River subbasin. The buildings are located in the Weymouth Back River subbasin. There are several criteria for insignificance for the amount of 4,500 gallons per day. The first criterion is that it is not more than 5% of the instantaneous flow. The other is that it does not significantly diminish the 7Q10 flow if used for pollution and dilution, which in this case this case there are no wastewater treatment plants, so this criterion did not have to be reviewed. Lastly, that the 95% flow is not significantly diminished.

The water they are discharging through a pipe is being lost to the Weir River, regardless of whether they send the sewage to a pipe out to the ocean or discharge the water to the Weymouth Landing Area sewer.

In evaluating the criteria, staff looked at several factors, including the gage on Old Swamp River. Staff have been using the Stream Stats USGS program and telling people to generate data from that to enable staff to evaluate the 95% flow as well as the 99% flow, which would be used as a surrogate for instantaneous flow when gage is not present. Because of the nature of the area the geology and the slope, Stream Stats gives a number, but it crashes out. Staff decided to go with the gage data, everything was re-calculated.

Looking at the daily flows for the 1980S, drought it was less than 5% of the low, one day it went above 5%. Staff considered that to be satisfactory because it was a moderate drought. On the hydro-graph the flow goes up. The flow goes up to 100 cfs during the eighties. That criterion was met. For the 95% flow criterion the reduction in the 95% flow was 1.5%, staff felt that was significant. The 7Q10 criterion is not a factor, because there is no downstream wastewater discharge. Based on the findings of the criteria, the instantaneous requirements, the 95% requirements, and the fact that the water that is going to be sewered does not originate in this sub-basin, staff felt that this sewer project would be insignificant. Additionally, staff looked at cumulative impacts and factored in the original Weymouth information and felt that it was not significant.

The original amount of 55,000 gpd would probably have been significant even though the water did not originate from there. Once the figure dropped to the lesser amount of 4,500 gallons, in conjunction with the fact that the water did not originate there, staff felt that it was insignificant. Most of the coastal basins have many subbasins, which are completely independent of each other; they do not flow all into one main stem and drain out. They just flow towards the ocean, they operate independently, but the Act lumped into one basin.

Meeting Adjourned

Minutes approved 7/10/03