



THE COMMONWEALTH OF MASSACHUSETTS

WATER RESOURCES COMMISSION

100 CAMBRIDGE STREET, BOSTON MA 02114

Meeting Minutes for January 11, 2007

Minutes approved March 8, 2007

Members in Attendance:

Kathleen Baskin	Designee, Executive Office of Environmental Affairs
Marilyn Contreas	Designee, Department of Housing and Community Development
Jonathan Yeo	Designee, Department of Conservation and Recreation
Mary Griffin	Designee, Department of Environmental Protection
Gerard Kennedy	Designee, Department of Agricultural Resources
Mark Tisa	Designee, Department of Fish and Game
Scott Horsley	Public Member
John LeBeaux	Public Member
David Rich	Public Member

Others in Attendance:

Mike Gildesgame	DCR
Michele Drury	DCR
Linda Hutchins	DCR
Bruce Hansen	DCR
Sara Cohen	DCR
Erin Graham	DCR
Frank Hartig	DCR
Marilyn McCrory	DCR
Anne Monnelly	DCR
Kellie O'Keefe	DEP
Tye Febbi	Citizen, Woburn, MA
Whit Davis	Camp, Dresser & McKee
Paul Lauenstein	WSCAC/Neponset River Watershed Assn.
Vandana Rao	EOEA
Scott Dale	Avalon Bay
David Kelly	Kelly Engineering Group
Liz Keohane	Avalon Bay
Pam Heidell	MWRA
Jennifer Pederson	Massachusetts Water Works Association
Michael Woods	Town of Wilmington
Jon Beekman	SEA Consultants
Matthew A. Romero	MWRA Advisory Board
Steven Mabee	State Geologist, University of Massachusetts

Agenda Item #1: Executive Director's Report

Baskin advised the Commission that the new Secretary of Energy and Environmental Affairs, Ian Bowles, has named her as his designee on the Water Resources Commission, and that she will report to David Cash, Assistant Secretary for Policy. She also noted that, with the new administration, many of the agencies represented on the Commission have new acting Commissioners. She also noted the addition of energy to the mission of the environmental affairs secretariat.

Drury summarized the status of active and anticipated projects subject to the Interbasin Transfer Act. These include Wilmington, Reading, Avalon Bay, South Weymouth Naval Air Station, Acushnet, and the Aquaria project in Dighton.

Baskin distributed a letter from former Secretary Robert W. Golledge, Jr., to Frederick Laskey, MWRA Executive Director. In the letter, Secretary Golledge described the Quabbin-Ware-Wachusett reservoir system as a natural resource of the commonwealth and defined what stewardship of this resource means in the context of MWRA's expansion policy. Secretary Golledge acknowledged MWRA's fiscal challenges and advised MWRA to work with all stakeholders in planning for growth. He cautioned the MWRA to allot any water characterized as "surplus" with great care, paying particular attention to the health of the water resources in the donor basins and addressing concerns that there be adequate supply to accommodate future sustainable growth in communities of the reservoirs' watersheds. Baskin noted that Mr. Laskey spoke favorably about the letter at an MWRA board meeting. Baskin invited future discussion of the letter.

Hansen provided an update on the hydrologic conditions for December 2006:

- Statewide precipitation in December was 58% of normal.
- Ground water levels were generally normal statewide.
- Streamflows were slightly below to slightly above normal.
- Reservoir levels were above normal or slightly above normal for this time of year.
- Total rainfall during calendar year 2006 was normal to slightly below normal for much of Massachusetts, with above-normal yearly totals in northeastern and southeastern Massachusetts.
- The National Drought Mitigation Center indicates normal conditions in Massachusetts and the entire northeast.

Agenda Item #2: Vote on the Minutes of December 2006

Baskin invited a motion to approve the meeting minutes for December 2006. Rao noted that minutes for Commission meetings are available on the Water Resources Commission website (<http://www.mass.gov/envir/mwrc/default.htm>). Gildesgame noted that minutes not on the website are available on disk and that minutes for meetings dating to 1956 are available in hard copy.

V	A motion was made by Horsley with a second by Tisa to approve the meeting minutes for
O	December 2006, as revised by Baskin.
T	
E	The vote to approve was unanimous of those present.

Agenda Item #3: Vote: Completeness of Wilmington application under the Interbasin Transfer Act

Drury explained that the purpose of this agenda item was for the Commission to give staff approval to proceed with the analyses of Wilmington's interbasin transfer application and to start the clock on the public hearing schedule. Drury explained that, though the town is addressing wastewater and stormwater issues in the MEPA process, the jurisdiction of the Commission, under the Interbasin Transfer Act, is limited to the town's proposal to transfer water from the Chicopee/Nashua river basins to the Ipswich River basin, from which it currently obtains all of its water supply. The proposed transfer is intended to replace some sources that have been discontinued because of contamination and to supplement the town's Ipswich River sources. The town completed a Final Environmental Impact Report on a Comprehensive Wastewater Management Plan and received a MEPA certificate in July 2006. DEP and the Riverways program provided assistance in reviewing the interbasin transfer application to determine if the information was adequate. Drury concluded by recommending that the Commission accept the application as complete. She noted that approval will start the public hearing process and that two hearings have been tentatively scheduled for the end of February, one in the donor basin and one in the receiving basin.

Horsley asked for clarification on why stormwater was mentioned in Drury's introduction but not included in the review. Drury explained that, in the context of the Interbasin Transfer Act, the Commission does not have jurisdiction over stormwater issues; however, stormwater issues were addressed in the MEPA process.

V	A motion was made by Yeo with a second by Rich to accept Wilmington's Interbasin
O	Transfer Act application as complete.
T	
E	The vote to approve was unanimous of those present.

Agenda Item #4: Update: Request for additional information under the Interbasin Transfer Act regarding Avalon Bay (Sharon)

Drury provided background on this Chapter 40B development project in the town of Sharon. The project proposes to obtain all of its water supply from the town of Sharon, whose sources are in the Taunton River basin and the Neponset River subbasin of the Boston Harbor basin. Sharon has no public sewerage system. The proponent was unable to identify suitable on-site locations for wastewater disposal and thus proposes to discharge wastewater to the town of Norwood's sewerage system, which connects to the MWRA system, which discharges to the Massachusetts Coastal Basin. Although the amount to be transferred is less than 1 mgd, Sharon's sources are all located in the headwaters of their basins. Because the criteria for insignificance are not met, the project requires a full review for approval under the Interbasin Transfer Act.

The proponent has submitted documentation to the MEPA office, including a Notice of Project Change, requesting a waiver from the EIR. The MEPA certificate is expected shortly. Drury outlined the additional documentation and information requested by WRC staff. Once all the requested information has been received, the MEPA process has been completed and the Commission accepts the application as complete, the public hearing process would commence. Scott Dale of Avalon Bay clarified that this 40B project is a Local Initiative Project endorsed by the Board of Selectmen, and that the project, as proposed, would include 156 new units of affordable housing.

Agenda Item #5: Discussion and Vote: WRC Work Plan for 2007

Baskin distributed copies of the draft 2007 calendar year Work Plan for the Water Resources Commission. She introduced the plan by explaining that the items listed constitute a “wish list” of projects for the Commission to accomplish this year. She added that one effort that should have been included was working with the MWRA, DCR, and other stakeholders on the issue of downstream releases from the DCR/MWRA water supply system. She then reviewed each of the 13 items on the list, describing work done to date, work remaining to be done, and why each issue is relevant to the WRC. Baskin invited Commissioners to discuss and suggest priorities.

Discussion focused on several of the work items. Yeo asked why the item related to **downstream releases** from DCR/MWRA reservoirs was on the plan when there are already substantial releases from these. He also asked if this item included downstream releases by other reservoir systems in the state. Baskin explained that former Secretary Golledge provided some direction on this in his comment (September 14, 2006) on the town of Reading’s application for admission to the MWRA water system. The secretary’s MEPA certificate stated that cumulative impacts of withdrawals from the MWRA system need to be addressed at a broader level by the Water Resources Commission and others. The secretary also indicated it should not be solely Reading’s responsibility to address these issues. Yeo noted that more than 100 million gallons per year less water is being transferred from DCR/MWRA system since the start of the Interbasin Transfer Act. Drury agreed that, given the widespread interest in this issue, perhaps all downstream releases from reservoirs should be addressed. Baskin noted that this issue may result in a larger statewide streamflow policy. Yeo added that almost all reservoirs in the state are not designed for downstream releases.

Tisa remarked that the issue of downstream releases is a concern of the Department of Fish and Game, which is studying the issue, and added that it is in the public record that DCR would work cooperatively with DFG to address streamflow issues. Yeo encouraged DFG to contact him about this. Baskin commented that the MWRA has expressed interest in talking about the issue and that there are many questions that need to be answered. Cohen added that dam releases should be considered within the context of the work EOEPA is doing on dam removals. Baskin responded that, in the case of dams at reservoirs, there may be ways for water suppliers to manage dams and releases in a way that does not harm water supply and benefits downstream needs.

There was also discussion of the Interbasin Transfer Act **sewer connection policy**. Baskin explained that staff would like to formalize a policy whereby applicants would be encouraged to remove inflow from wastewater systems in order to demonstrate that there would be no net

increase in interbasin transfer resulting from a sewer expansion project. Drury added that there are several projects in the pipeline where such a policy would be applicable. She said that Haas and Heidell are reviewing the policy. She explained that it is advantageous for all parties to remove inflow over and above the mitigation already required by the MWRA or DEP. Hutchins added that the policy is a way to streamline the process for projects involving small amounts of water transfer but still placing substantial demand on staff resources for review.

Horsley expressed concern about the cumulative impacts of many small transfers. Hutchins replied that the intent is that no impact result from such transfers because the transfers are offset by inflow reductions. Horsley asked if we should be discussing a “net improvement” requirement rather than a “no net change” requirement, depending on the stress in the basin. Baskin replied that if there is no net increase in water transfer, the applicant is not subject to the Interbasin Transfer Act. However, requiring a proponent to meet a net improvement requirement would imply that the proponent is subject to the act. Gildesgame explained that the Interbasin Transfer Act either applies or does not apply, and if it does not apply because the proponent has mitigated the potential transfer, then more stringent requirements become a question of jurisdiction. Drury added that the policy would result in a net improvement because the proponent would be required to offset over and above the mitigation required by MWRA and DEP. It was agreed that the policy was an important issue for the Commission to work on.

Baskin noted that WRC staff members are in the process of revising the **Interbasin Transfer Act regulations** and invited comments and recommendations from Commission members.

Baskin noted that the **Environmental Bond Bill** is due for a five-year reauthorization at the end of FY2007. She asked Commission members to suggest priorities for the next five years that could be included in this bill and to think of such priorities in the context of the work item on sustainable water resources. Horsley suggested a top priority be addressing unregulated withdrawals and transfers as well as water withdrawals below the Water Management Act thresholds within the context of a sustainable water resources policy. Griffin suggested grant funding to help communities implement the water conservation standards as an important priority. She noted that all members of the recent Blue Ribbon Panel agreed that such assistance was a priority.

Baskin also discussed in detail the work item related to **implementation of the water conservation standards**. Rao added that a letter had been sent to all water suppliers informing them that the water conservation standards have been updated and encouraging water suppliers to work with WRC staff. Also being considered is a letter to all public-sector entities describing how these entities can apply the standards. Monnelly invited Commission member to submit thoughts on specific standards to target as priorities for implementation.

The last item discussed was a proposed **State Streamflow Policy**. Gildesgame pointed out that it may be several months before the information needed for such a policy is available. Horsley asked if a draft streamflow policy existed. Yeo responded that there may be pieces of such a policy built into documents associated with the Water Management Act and the Interbasin Transfer Act, and Griffin added that DEP looks at streamflow permit by permit. Horsley suggested that the Commission develop at least an interim streamflow policy. Yeo responded

that some other tasks need to be completed first, and Baskin suggested that this work item be revisited mid-year. Hutchins added that this policy need could possibly be addressed simultaneously with the work on stressed basins.

Baskin noted that the current **Drought Management Plan** is a working draft, which has not been updated since 2001. Though updating the plan represents unfinished business, she suggested it is probably not a high priority at this time. Finally, Baskin invited suggestions for a speaker series.

Based on the previous discussion, Baskin suggested that priorities in the Work Plan appear to be Stressed Basins, revisions to the Interbasin Transfer regulations, and the Environmental Bond Bill. Horsley added that desalination should be on the list.

Rich commented that it is important to gain input early in the process from water supply professionals and the Massachusetts Water Works Association on many of the issues in the Work Plan. Baskin acknowledged this point and added that there are also other stakeholders who would be interested in being involved and noted that there is always opportunity for public comment on issues before the Water Resources Commission. Rich responded that the perception in the water supply community is that once an item reaches the public hearing period, it is difficult to have concerns addressed and urged the commission to seek input from this community early in the process. Rich also suggested giving a high priority to developing a plan for implementation of the water conservation standards.

Baskin concluded that the Work Plan would be redrafted, based on this discussion, and presented to the commission in February.

Agenda Item #6: Presentation: Steven Mabee, State Geologist, on current projects and programs in coordination with state agencies

Mabee provided an update on water-related research and activities of the state geologist's office at the University of Massachusetts at Amherst. He described mapping activities, the updating of reporting requirements for all new wells, training of well drillers in these new reporting procedures, and current research projects. By 2009 Mabee expects updated geologic mapping to be available through MAGIS for all of Massachusetts. Mabee also suggested future activities that could be conducted by the state geologist's office, including:

- Development of a data base for all subsurface information
- Three-dimensional mapping
- Continued training of well drillers
- Geophysical logging of all new wells
- Development of a physical and digital archive of representative rock types and cuttings in Massachusetts
- Development of dynamic digital maps

Meeting adjourned

Attachments distributed:

- Current Water Conditions in Massachusetts, January 14, 2007
- Revised meeting minutes for December 2006

- Letter dated January 3, 2007, to Frederick A. Laskey, MWRA Executive Director, from Robert W. Golledge, Jr., Secretary of Environmental Affairs
- Certificate (dated September 14, 2006) of the Secretary of Environmental Affairs on the Notice of Project Change for the Town of Reading Admission to the MWR Water System
- Memorandum dated January 9, 2007, from Staff to Water Resources Commission: MA Water Resources Commission Proposed 2007 Work Plan – Draft
- Presentation by Steve Mabee, State Geologist