



THE COMMONWEALTH OF MASSACHUSETTS
WATER RESOURCES COMMISSION
100 CAMBRIDGE STREET, BOSTON MA 02114

Meeting Minutes for June 14, 2007

Minutes approved October 11, 2007

Members in Attendance:

Kathleen Baskin	Designee, Executive Office of Energy and Environmental Affairs
Marilyn Contreas	Designee, Department of Housing and Community Development
Jonathan Yeo	Designee, Department of Conservation and Recreation
Dave Terry	Designee, Department of Environmental Protection
Gerard Kennedy	Designee, Department of Agricultural Resources
Mark Tisa	Designee, Department of Fish and Game
Joseph E. Pelczarski	Designee, Massachusetts Office of Coastal Zone Management
Scott Horsley	Public Member
John Lebeaux	Public Member

Others in Attendance:

Mike Gildesgame	DCR
Michele Drury	DCR
Anne Monnelly	DCR
Linda Hutchins	DCR
Sara Cohen	DCR
Frank Hartig	DCR
Marilyn McCrory	DCR
Bruce Hansen	DCR
Margaret Callanan	EOEEA
Jon Beekman	SEA Consultants
Michael Woods	Town of Wilmington
Peter Tassi	Town of Reading
Kerry Mackin	Ipswich River Watershed Assn.
Phil Guerin	Massachusetts Water Works Assn./Worcester Dept. of Public Works
Pam Heidell	MWRA
Duane LeVangie	DEP
Eileen Simonson	WSCAC
Matthew Romero	MWRA Advisory Board
Peter Weiskel	USGS

Agenda Item #1: Executive Director's Report

Baskin announced that the Executive Office of Energy and Environmental Affairs has nearly completed its review of the desalination policy. Availability of the draft policy will be announced in a future issue of the *Environmental Monitor*.

Hansen provided an update on the hydrologic conditions for May 2007.

- Statewide average precipitation in May was 82% of normal, with some variation between the western and northeast regions.
- Groundwater levels were generally above normal statewide. Monthly record high water levels for the end of May were measured in five wells in Massachusetts.
- Streamflows varied from above normal in some central and eastern parts of the state to below normal for the Westfield basin, and normal for the rest of the state, except those areas with no stream data.
- Reservoir levels were normal to above normal for this time of year.
- The National Drought Mitigation Center shows normal conditions in Massachusetts and the entire Northeast. NOAA's seasonal drought outlook does not forecast drought in Massachusetts through August.

Hansen also provided graphs illustrating long-term hydrologic conditions in Massachusetts (Blue Hills) and noted that the total amount of precipitation has increased about 4.5 inches over the past 40 years. He added that this would result in 21 mgd of additional water in a typical 100-sq. mi. basin. Gildesgame noted a second graph that shows a significant increase in air temperature from 1831 to 2006. Hansen said the ramifications of this increased input are unknown for the rest of the hydrologic cycle. Horsley asked about the implications for the mean precipitation rate in Massachusetts. Hansen replied that he did not have an answer, but noted that data has changed. Hutchins added that WRC staff use a long-term record dating back to the late 1800s for the calculation of normal conditions shown on the Massachusetts Monthly Precipitation Composite Estimates, whereas the National Weather Service uses a rolling 30-year average. Baskin said that the Patrick administration is considering looking at the effects of climate change on water resources and other infrastructure.

Tisa and Yeo invited the commission to schedule its September meeting at the Quabbin Reservoir Visitor's Center and to tour the McLaughlin Fish Hatchery, the largest in the state, the Winsor dam, and the reservoir itself.

Baskin noted that upcoming WRC meetings are scheduled for August 23 and September 20.

Agenda Item #2: Vote on Staff recommendation on Wilmington's interbasin transfer application

Drury summarized the staff recommendation and noted that Wilmington is requesting a vote for approval of its interbasin transfer. She added that Wilmington meets the criteria of the Interbasin Transfer Act and its regulations. She outlined the town's water conservation program (see Table 2 in the staff recommendation), including restrictions on outdoor watering. She outlined the conditions of the staff recommendation, including conducting a rate study and metering hydrant use. Drury noted that the town also requests approval of its Comprehensive Water Resources Plan as the required Local Water Resources Management Plan.

Hutchins explained that contamination of local wells has resulted in the loss of half of the town's public water supply. She added that the town's source management plan aims to use more MWRA water in the summer months to reduce stress on the Ipswich River sources. She noted that USGS will install a gage on the South Nashua River to monitor streamflows in the donor basin. Baskin added that an interagency group has been meeting to discuss instream flows in the donor basin, and that a report should be available soon. Speaking for DFG Commissioner Griffin, Tisa commented that the agencies are working together in good faith and expressed confidence that the issues related to the donor basins would be resolved.

Simonson pointed to the problems for the fish hatchery and downstream trout fishery caused by the release of warmer water from the Quabbin Reservoir. She asked the commission to consider, as part of its approval of this interbasin transfer, a request that communities or the downstream fish hatchery seek funding to install a mechanism to cool down water from the Swift River. She expressed concern about an implication in interbasin transfer applications that the easiest solution to this problem is for the MWRA to spill less water and therefore to sell or transfer more water in order to maintain its operations. Both Yeo and Tisa assured Simonson that current discussions among the agencies will address the issues she raised.

Drury then summarized the conditions in the staff recommendation (see page 29 of the Draft Decision).

Horsley asked the town how it monitored compliance with outdoor water restrictions. Woods confirmed that the town does enforce the restrictions and pointed to the town's low residential consumption rate.

Mackin commented that, conceptually, the Ipswich River Watershed Association supports the transfer of water from the MWRA and also shares concerns about flow releases in the donor basins. However, she expressed concern that the conditions in the staff recommendation do not incorporate streamflow triggers in the receiving basin. She also disagreed that Wilmington's application complies with MEPA requirements, specifically requirements related to monitoring of Martins Brook. She said that the Water Resources Commission appears to be forfeiting what she said was its independent jurisdiction under the Interbasin Transfer Act to MassDEP's jurisdiction under the Water Management Act. She urged the commission to take jurisdiction of streamflow issues and viability of the existing wells in the receiving basin under the Interbasin Transfer Act. She also requested clarification on the capacity listed in Table 1 (page 5 of the staff recommendation).

On the last issue, Drury responded that the Interbasin Transfer Act looks at maximum capacity. Mackin requested that the language be clarified to read "not to exceed Water Management Act allocation by MassDEP." She requested similar clarifying language for condition #3 on page 29 of the staff recommendation. She also expressed concern that language in condition #5 is a "condition subsequent" that would deny other stakeholders their right to appeal or provide input on the terms of a condition, since these terms of the rate structure will be determined after approval has already been given. She objected that the specifics of the rate structure are not incorporated into this decision. Baskin responded that rates are established through a public process. Contreas explained that approval by the Water Resources Commission indicates only

that the rate structure meets the Interbasin Transfer Act performance standards, but that rates are determined by the community. Mackin suggested adding language to the decision to clarify that the rate structure shall conform to the performance standards. Simonson suggested combining conditions #5 and #7. Mackin also expressed her opinion that a calendar trigger for outdoor water use restrictions does not meet the ITA's streamflow trigger criteria. Finally, Mackin requested that language be added to clarify that outdoor watering is limited to hand-held hoses only.

Baskin noted that submitting written comments on matters before the commission prior to the day of a vote would allow more careful consideration of such comments. She cautioned that changing the language of the decision on the day of the vote does not give commissioners time to consider the changes and their implications.

Drury confirmed that a vote on the Wilmington application must be taken by June 22. To address Mackin's comments, three amendments to the language of the staff recommendation were discussed and adopted. During discussion of watering restrictions, Simonson suggested that the Water Resources Commission defers too much of its authority to the Water Management Act guidance and urged the commission to adopt more stringent requirements in cases involving interbasin transfers. Specifically, she urged the commission to consistently require that outdoor watering restrictions be in place from May through October rather than through September in basins designated as stressed.

Beekman stated that it is unreasonable to make changes to the draft decision "on the fly" when there had already been formal opportunities for public comment. Gildesgame suggested that changes of clarification rather than changes of substance be considered.

M O T I O N	Motion #1. A motion was made by Yeo with a second by Horsley to accept the June 14, 2007, staff recommendation to approve Wilmington's request under the Interbasin Transfer Act for Admission to the MWRA Water Works System. Discussion and amendments to the motion followed.
--	--

Amendments to the above:

V O T E	<p>Amendment #1. A motion was made by Horsley with a second by Tisa to amend the language of page 8, paragraph 4, of the June 14, 2007, staff recommendation to read, “The adopted rate structure shall conform to the rate structure described in the Water Conservation Standards of the Commonwealth of Massachusetts.”</p> <p>The vote to approve was unanimous of those present.</p> <p>Amendment #2. A motion was made by Horsley with a second by Tisa to amend the language of the June 14, 2007, staff recommendation, page 29, condition #2 under Criterion 2 to read “This decision is based on the maximum capacity of Wilmington’s currently viable in-basin water supply sources (2.55 mgd), which existed prior to the effective date of the Interbasin Transfer Act (March 1984).</p> <p>The vote to approve was unanimous of those present.</p> <p>Amendment #3. A motion was made by Yeo with a second by Terry to delete the following language from page 8 of the June 14, 2007, staff recommendation: Delete from the sentence beginning “This option requires that...” through the next five sentences and including through the words “In addition...” The new sentence would begin, “Wilmington currently allows...”</p> <p>The vote to approve was unanimous of those present.</p>
V O T E	<p>Motion #1. The previous motion #1 by Yeo was approved, as amended, unanimously by those present.</p>

V O T E	<p>Motion #2. A motion was made by Yeo with a second by Terry to approve Wilmington’s Local Water Resources Management Plan, as described in the June 14, 2007, staff recommendation.</p> <p>The vote to approve was unanimous of those present.</p>
----------------------------	---

Lebeaux suggested that acceptance of extensive public comment with new information should be limited at the meeting where a vote is to be taken. Accepting comment in such circumstances, he added, does not allow adequate opportunity for review, and the Water Resources Commission may want to adopt such limits as a policy. Drury noted that a third public hearing on the staff recommendation had been added by WRC policy specifically to avoid last-minute comments.

Agenda Item #3: Discussion: Reading’s interbasin transfer application

Drury stated that the third public hearing on the Reading staff recommendation had been held on May 24th. It was poorly attended. She and Hutchins then recapped the staff recommendation. Drury noted that Conditions 1 through 5 of the June 2005 WRC Decision on the previous application by the town of Reading to purchase water from the MWRA no longer apply and would be rescinded under the current staff recommendation. All other conditions remain in effect and are incorporated on pages 18 and 19 of the staff recommendation. She added that since last month, an additional condition had been added, that Reading will provide documentation to

the WRC on the progress of the ongoing program of meter replacement by December 31, 2007. Annual reports must be provided to the WRC until all meters have been replaced. Any changes to Reading's water conservation by-law as a result of using MWRA water year-round would need the Water Resources Commission review and approval. Reading's Water Management Act registration for its local wells was also discussed. For purposes of the ITA, Reading's wells are considered non-viable, except in the event of a DEP-declared emergency.

In response to a question from Kennedy, Drury confirmed that the lack of economic viability associated with the construction of a new water treatment plant is the prime reason for Reading's current request for an increase in interbasin transfer. Reading's consultant performed the analysis, and DCR staff reviewed it. Baskin added that staff looked at a number of metrics to assess economic viability, and she pointed to sources cited in the staff recommendation, as well as to EPA guidance. Kennedy asked if a cost comparison over 20 years had been done. Baskin pointed to a summary in the staff recommendation. Kennedy asked if a regional water treatment plant had been considered. Beekman responded that it is difficult to get communities to agree on a regional facility. Simonson asserted that Reading does not meet the criteria for an interbasin transfer and that the economic analysis could have turned out favorably if Reading purchased MWRA water for a few years and built a new plant on the footprint of the existing water treatment plant, as Cambridge did. Beekman indicated that the consultant considered that option in its calculations. Tisa invited the public to submit written comments on the staff recommendation as soon as possible.

A vote will be requested at the July meeting.

Agenda Item #4: Presentation on draft revised Water Needs Forecasting Policy and Methodology for Implementation

Gildesgame reviewed the process of receiving public comment on the draft water needs forecasting policy and methodology and reiterated that the purpose of a forecast is to estimate the amount of water a particular community will need at some point in the future. He summarized the key concerns raised at the public hearings and in 15 comment letters received. Major topics of concern were clarifying how the method was developed; nonresidential water needs calculations; water needs for economic development and growth; and a discrepancy between the recently-approved Water Conservation Standards and DEP Water Management Act permits for residential water use and unaccounted-for water. In response to comments, Gildesgame noted that staff are revisiting the method of forecasting nonresidential water needs. He also said that staff at EEA and MassDEP are discussing the incongruence between the Water Management Act permitting policy and the Water Needs Forecasting Policy in the area of standards for residential water use and unaccounted-for water.

Gildesgame also called attention to the schedule for expiring Water Management Act permits, noting that approximately 190 permits will expire between 2008 and 2015, with about 90 permits expiring by 2010. He added that the Office of Water Resources does not currently have sufficient staff resources to handle the associated workload of developing water needs forecasts to meet this schedule and, in fact, has no staff working on water needs forecasts full-time. Baskin acknowledged the staffing challenge and outlined some approaches for reducing the workload, such as having the towns provide high-quality data to support the forecasts. She also asked

commissioners to consider compressing or eliminating WRC review of individual forecasts. Yeo commented that no matter how much the process is streamlined, the Office of Water Resources does not have sufficient staff to manage the workload of water needs forecasts. Gildesgame noted that there is also a timing issue associated with approval of the revised methodology, in that staff will have to develop water needs forecasts about ten months in advance of expiring permits, requiring work to begin on communities in the Hudson basin in 2007, followed soon after by the larger Charles and Blackstone basins in 2008. Horsley suggested that as a “case study,” at least a few of the water needs forecasts should come through WRC.

This item should be back on the WRC agenda for July, with an anticipated vote in August.

Meeting adjourned.

Attachments distributed:

- Current Water Conditions in Massachusetts, June 14, 2007
- Draft for Water Resources Commission Discussion. WRC Staff Recommendation: Interbasin Transfer Application, Request for Additional Water Supply from the MWRA Water Works System, Town of Reading. June 14, 2007.