



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

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**Meeting Minutes for July 12, 2007**

*Minutes approved November 8, 2007*

**Members in Attendance:**

Kathleen Baskin	Designee, Executive Office of Energy and Environmental Affairs
Marilyn Contreas	Designee, Department of Housing and Community Development
Mike Gildesgame	Designee, Department of Conservation and Recreation
Glenn Haas	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
John Lebeaux	Public Member
David Rich	Public Member
Bob Zimmerman	Public Member (arrived late)

**Others in Attendance:**

Michele Drury	DCR	Erin Smyth	DCR Intern
Linda Hutchins	DCR	Pam Heidell	MWRA
Erin Graham	DCR	Eileen Simonson	WSCAC
Frank Hartig	DCR	Jon Beekman	SEA Consultants
Marilyn McCrory	DCR	Peter Hechenbleikner	Town of Reading
Anne Monnelly	DCR	Ted McIntire	Town of Reading
Jill Cowie	Watershed Action Alliance of SE Mass.	Jennifer Pederson	Massachusetts Water Works Association
Peter Weiskel	USGS	Nathalie Notin	guest from France
Madelyn Morris	MassDEP		

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**Agenda Item #1: Executive Director's Report**

Hutchins provided an update on the hydrologic conditions for June 2007. She noted that three-quarters of the way into the Water Year, cumulative precipitation is slightly above the normal trend line as a result of a significant rain event in April 2007.

**Open Forum:**

Baskin reminded attendees about the changed schedule for WRC meetings in August and September. Tisa invited the WRC to hold its September meeting at the Quabbin Visitor's Center and to tour the state's fish hatchery following the meeting. Contreas asked if the Desalination Policy would come before the Water Resources Commission. Baskin replied that, though the policy was developed by EOEEA outside of the commission, the commission could request another presentation on the policy, which would be a new state policy. She noted the existing

regulations had not anticipated desalination, and that the policy is intended to provide a predictable path for permitting and a consistent level of environmental protection among projects. She suggested that the commission consider adopting or endorsing the desalination policy. The public comment period extends through August 10.

**Agenda Item #2: Vote on the Minutes of April 2007**

Baskin invited motions to approve the meeting minutes for April 2007.

<b>V</b>	A motion was made by Rich with a second by Tisa to approve the meeting minutes for
<b>O</b>	April 2007.
<b>T</b>	
<b>E</b>	The vote to approve was unanimous of those present, with one abstention.

**Agenda Item #3: Discussion and Vote: Turners Falls Fire District's request for determination of applicability under the Interbasin Transfer Act**

Drury indicated that no representatives of Turners Falls Fire District were able to attend the meeting. However, she said WRC staff had shared the staff recommendation with the district and the district supported it.

Drury outlined the reasons that the proposal to develop a well in the Connecticut River basin could trigger the Interbasin Transfer Act. The fire district is located within the town of Montague, which has land area in both the Connecticut River and the Millers River basins. The Turners Falls Fire District also serves a portion of the Millers Falls, which discharges 50,000 gallons per day of wastewater across both the town line and basin line. The proposed well has a capacity of 1 mgd. She reviewed the fire district's options under the Interbasin Transfer Act. These include application for a determination of insignificance and actions that would result in no net increase in interbasin transfer.

Drury explained that because the Turners Falls Fire District is proposing to decrease the capacity of its Well #1 by 50,000 gallons per day, the Interbasin Transfer Act is not applicable. She outlined conditions for this determination. One condition states that if the fire district uses any of its sources above their authorized capacity of 4.21 mgd (other than for a DEP-declared emergency), the Interbasin Transfer Act would apply retroactively. She added that the reason the fire district wishes to develop the well is to provide more flexibility and reliability in its water supply system. Drury recommended that the commission find that the proposal by the Turners Falls Fire District is not applicable under the Interbasin Transfer Act, provided it takes the actions required in the staff recommendation.

Simonson commended WRC staff for helping the Turners Falls Fire District understand the Interbasin Transfer Act. She suggested that the commission authorize staff time to offer workshops on the Act in central and western Massachusetts.

<b>V O T E</b>	<p>A motion was made by Tisa with a second by Haas to accept the July 12, 2007, Staff Recommendation to find that the Interbasin Transfer Act does not apply to the proposed Hannegan Brook Well being developed by the Turner’s Falls Fire District, if the conditions outlined in the Staff Recommendation are met.</p> <p>The vote to approve was unanimous of those present.</p>
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**Agenda Item #4: Vote: Town of Reading’s Interbasin Transfer Act application**

Drury briefly reviewed the history of the town’s application, noting that the item before the commission was a vote on the staff recommendation on Reading’s request to become a full member of the MWRA water supply system. She called attention to the conditions outlined in the staff recommendation. Rich asked if anything had changed since the information presented in the last two WRC meetings. Drury said there had been no change. She then reviewed some of the conditions of the staff recommendation in more detail.

Simonson objected to a statement in the staff recommendation that spills from the Quabbin Reservoir during high flows are undesirable. She also objected to a statement on page 13 about how MWRA operates the Ware River, noting that the MWRA operates based on the law, and that the operating principles are not something the MWRA can change arbitrarily. Finally, she urged further discussion of economics as a factor in decisions by the Water Resources Commission and added that economic factors alone should not drive the commission’s decisions.

Heidell suggested changing the language in the staff recommendation to read that spills from the Quabbin Reservoir “may be undesirable.” She also commented that the MWRA does not take as much water from the Ware River as it could, in accordance with the law. Finally, she commended WRC staff for the staff recommendation.

Zimmerman also commended the staff for its recommendation. He commented that the amount of water currently in the Quabbin and Wachusett reservoirs is the result of successful conservation efforts that greatly reduced demand over the past 15 years, as well as the flight of industry. He suggested that the notion that this represents “excess” water is based on assessments of the Swift, Ware, and Nashua Rivers that were made in the mid-1930s. Such assessments, he said, were based on what these rivers could live with rather than the amount of water they needed to be healthy. He added that the Swift, Ware, and Nashua Rivers were three times their current flow in the 1930s. He suggested that a safe yield assessment of the Quabbin and Wachusett reservoirs be based on the natural resource needs of these three rivers, and he urged the commission to request such an assessment by the MWRA.

Hass suggested that the July 12, 2007, Decision Document include a compiled list of conditions that include conditions from the June 9, 2005, Interbasin Basin transfer decision for Reading from the MWRA system and that the July 12, 2007, Decision Document override the June 9, 2005, Decision Document. Drury replied that this was considered; however, the language in the 2007 document is based on legal advice. The conditions of the June 9, 2005, document that were not rescinded are still in effect. Those conditions have been incorporated into the 2007 document.

A motion was made by Baskin and seconded by Haas to change the word “are” in the sentence “Spills from Quabbin are undesirable...” (page 13 of 20, paragraph on High Flows) to “may be,” as suggested by Heidell. The motion was approved unanimously.

In response to Zimmerman’s comment about an environmental assessment, Heidell noted that MWRA is working with DCR, EOEEA, and Fish and Wildlife to consider additional measures that could be taken to enhance the fisheries. Zimmerman questioned the releases of large pulses of water and asked why water cannot be released continuously. Tisa confirmed that such releases produced a flushing effect.

<b>V O T E</b>	<p>A motion was made by Haas with a second by Contreas to accept the July 12, 2007, Staff Recommendation, as amended, to approve Reading’s request under the Interbasin Transfer Act to receive all of its water from the MWRA Water Works System by transferring up to 1.67 million gallons per day of additional water from the MWRA Water Works System, for a total of 2.27 million gallons per day.</p> <p>The vote to approve was unanimous of those present.</p>
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Baskin thanked both the town of Reading and the Turners Falls Fire District for adhering to environmental regulations and observed that both projects illustrate the commonwealth’s ability and availability to work cooperatively with communities. McCrory said she also wanted to take the opportunity to publicly acknowledge and thank McIntyre’s staff in the town of Reading for their cooperation and assistance to DCR on the water conservation demonstration projects funded by the EPA Targeted Watersheds grant for the Ipswich River.

**Agenda Item #5: Update: Water Needs Forecasting Policy and Methodology**

Gildesgame provided an update on the revisions to the water needs forecasting policy and methodology. He thanked all those who had submitted comments during the public comment period and said that the water needs forecasting policy and methodology would be revised to incorporate public comment. He noted that a few issues remain to be resolved, including the methodology for projecting non-residential water needs. He said that WRC staff had devoted considerable time to investigating options for assessing non-residential water needs and that following consultation with MAPC, employment data will likely be used in this assessment.

Zimmerman remarked that the availability of water might attract industry to the Northeast in the next decade and suggested that the water needs forecasts should factor in this potential industrial growth. Gildesgame responded that he expects such factors and trends are included in the employment forecasts developed by the regional planning agencies. Beekman commented that sometimes developers require a community to sign confidentiality agreements about the potential development of large sites and suggested that such situations be considered. Baskin responded that the methodology includes a placeholder for known new projects, and that communities need to call such projects to the attention of staff developing the forecast.

There followed a discussion of the comment period on the proposed revisions to the policy and methodology document. Rich asked if there would be a comment period on these revisions. Baskin responded that comment on the revised document would be taken at the Water Resources Commission meeting. Gildesgame added that, as has been past practice, the revised document

would be posted on the commission web site. Baskin said that if extensive comments were received at the meeting, the commission could reconsider this process, but a second comment period would not normally be part of the process. Rich replied that if the commission is going to make changes to the document, the commission should receive public input on those changes. Baskin noted that commission staff has a backlog of individual requests for water needs forecasts, as well as a schedule of forecasts needed for Water Management Act permits, which begin expiring in 2008. Rich acknowledged these time constraints, but restated his concern that the process not be rushed to the point where the commission bypasses public comment, even if this involves a shortened public comment period. Baskin responded that the public would have the opportunity to comment, either at the commission meeting or through letters or other means. Given the importance of the document, she said the commission would want to “get it right.” Beekman suggested a posting in the *Environmental Monitor*. Gildesgame responded that a posting had appeared in the *Environmental Monitor* and said he expected another announcement would be posted. Baskin added that another month-long comment period was unlikely, however. Pederson expressed concern, based on the experience at the June 2007 Water Resources Commission meeting, that public comment not be taken on the day of the commission vote. Baskin clarified that the commission did not say it would not take public comment on the day of a commission vote, but that the commission discouraged the public from providing a number of comments that would be difficult to address “on the fly.” She added that the commission maintains an open meeting process and would continue to accept public comment at its meetings. Nevertheless, she added, it is important for anyone with comments to provide them as early as possible.

Lebeaux asked if the methodology uses buildout analyses for the residential portion of the forecast. Gildesgame responded that zoning or buildout analyses do not provide the level of detail needed to assess water needs; instead, the methodology looks primarily at population changes for residential water use. Lebeaux asked how developments proposed under the Chapter 40B comprehensive permit process would be dealt with. Gildesgame responded that such projects are included in the analysis if staff know about them and are reasonably sure they are going to be built. He added that, at the five-year review point in the Water Management Act process, the forecast can be revisited if there has been a substantial spurt in growth. Drury added that in the process of developing a water needs forecast, WRC staff work closely with the community to determine population and other factors to be considered.

**Agenda Item #6: Presentation: Water Resource Management Planning Guidance Document**

Morris provided an update on the guidance document being developed by MassDEP on Water Resource Management Planning. She noted that, for the first time, the document includes information on management planning for both stormwater and drinking water and well as wastewater. She reviewed the three levels of planning discussed in the guidance document –the integrated water resources management plan, the comprehensive plan, and the engineering report – noting that planning should address the specific needs and problems of a community. She said the first step in the process is for the community to meet with MassDEP or other agency staff to develop a scope of work for the planning document. Morris then reviewed the comments received on the draft document and how those comments are being addressed. She noted that the guidance document is posted on MassDEP’s web site. She distributed a matrix summarizing the kinds of projects that are suitable for each level of planning.

Zimmerman expressed concern that communities would always choose the least expensive planning option. Morris responded that this guidance document is related to the State Revolving Fund program. Communities seeking financial assistance through that program must develop the appropriate kind of plan that meets MassDEP's guidelines. She added that planning is also a prerequisite for receiving financial assistance for construction projects. She said the guidance document is an educational tool to guide communities in doing the level of planning that makes sense. Through this document, communities have the option to do more types of planning, including drinking water planning, which will be eligible for financial assistance for the first time.

Cowie asked what regulatory leverage MassDEP has to require planning for water bodies that have Total Maximum Daily Loads. Morris replied that MassDEP is using a voluntary approach that relies primarily on educating the public about the consequences if the problem is not addressed.

Zimmerman urged MassDEP and the Water Resources Commission to require communities to perform real alternative analyses and real integrated planning that assesses the wastewater, drinking water, and stormwater in a comprehensive way. He said that the state should not lend financial support to any proponent who continues to perpetuate historical use patterns and infrastructure that allow water to be withdrawn in one basin, used in another, and disposed of in a third. Haas acknowledged Zimmerman's comments, and urged advocates to express their concerns to other state agencies who also award grants, adding that perhaps these agencies should also require comprehensive planning as a condition of funding. Zimmerman commended the work MassDEP had put into the guidance document. Baskin pointed to the town of Franklin as an example of a community that was able to avoid expansion of both its water supply sources and its wastewater treatment plant by instituting water conservation measures.

Baskin reminded commissioners of a July 19 forum where the Pioneer Institute was to discuss water rates. She added that EOEEA intends to address de-coupling water conservation from pricing. Zimmerman offered to provide copies of a recent presentation he attended on global climate change and water; this presentation indicated that eight percent of all power used in the United States is used to pump and treat water. Baskin noted that energy use represents a considerable portion of the rates charged by the Massachusetts Water Resources Authority, and that the authority has obtained funding to install solar panels at its Deer Island wastewater treatment plant. Baskin also said that the Massachusetts Technology Collaborative and EOEEA are looking at SRF funding opportunities for wind power and other renewable energy sources at treatment facilities.

Meeting adjourned.

Attachments distributed:

- Current Water Conditions in Massachusetts, July 12, 2007
- Color map of the Turners Fall Fire District service area
- "Planning Reports": table from the Water Resources Management Planning Guidance document