



THE COMMONWEALTH OF MASSACHUSETTS

WATER RESOURCES COMMISSION

100 CAMBRIDGE STREET, BOSTON MA 02114

Meeting Minutes for July 9, 2009

Minutes approved August 13, 2009

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
Duane LeVangie	Designee, Department of Environmental Protection
Margaret Kearns	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

Others in Attendance:

Michele Drury	DCR	Lindsey Ryckman	EEA
Linda Hutchins	DCR	Jennifer Pederson	Massachusetts Water Works Assn.
Sara Cohen	DCR	Dan McIntyre	Town of Hopkinton Board and Public Works
Daniel Crocker	DCR	Ruth Silman	Nixon Peabody LLP, counsel to Lonza Biologics
Marilyn McCrory	DCR	George Preble	Beals and Thomas
Anne Monnelly	DCR	Jack O'Connell	Tata & Howard Engineers
Margaret Callanan	EEA	John Mainini	Milford WWTP
Vandana Rao	EEA	J.T. Gaucher	Town of Hopkinton DPW
Peter Weiskel	USGS		

Agenda Item #1: Executive Director's Report

Baskin noted that a correction had been made to the meeting minutes for June 2009, at the request of the Massachusetts Water Works Association. The revision corrects a comment made by Pederson in the discussion of Agenda Item #6 on an article that had appeared in the *Boston Globe*.

Baskin announced that zebra mussels have been found in Massachusetts for the first time and that DCR's Lakes and Ponds program is closely monitoring the issue. Monnelly explained that the Lakes and Ponds Program had started a zebra mussel monitoring program two years ago because lakes in adjacent states had already been affected. Zebra mussels were first identified by a DCR-trained volunteer boat-ramp monitor, with identification verified by a DCR biologist. Lakes and Ponds program staff are working with state Fish and Wildlife officials to consider options for containing this infestation. She distributed a brochure describing zebra mussels and how to prevent their spread. She explained that zebra mussels are an extremely invasive species that can cover docks, clog pipes, and crowd out native species.

Baskin announced that the FY2010 state budget has eliminated funding for 18 USGS stream gages, forcing discontinuation of data collection from these gages. She noted the importance of streamflow monitoring to a variety of interests ranging from flooding, droughts, water supply, discharges, and weather forecasting. Weiskel added that thirteen of these gages were cut as of July 1, 2009, while five of the most critical will remain in operation until July 1, 2010. He said the list is available on USGS’s web site, <http://ma.water.usgs.gov/>. Pelczarski asked if any of the discontinued gages were required for monitoring streamflows in connection with Water Management Act permits. Hutchins responded that gages were selected to avoid such impacts. Hutchins added that some of the gages were going to be part of the network of index gages for Massachusetts, and requested any ideas on additional funding.

Hutchins provided an update on the hydrologic conditions for June 2009. Statewide precipitation in June was about 150% of normal, with little variation across the state. The National Weather Service recorded June as the sixth coolest and the second gloomiest June, based on sunshine records, on record since 1885. There are no indications of drought for the next several months.

Agenda Item #2: Vote on the Minutes of June 11, 2009

Baskin invited motions to approve the meeting minutes for June 11, 2009 (*Ed. note: minutes corrected on page 8, paragraph 1, to read, “Pederson commented that the *Boston Globe* article was not balanced, from the water suppliers’ perspective.”*)

V	A motion was made by Rich with a second by Yeo to approve the meeting minutes for
O	June 11, 2009, as amended.
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E	The vote to approve was unanimous of those present.

Agenda Item #3: Presentation: Request for Determination of Insignificance under the Interbasin Transfer Act: Hopkinton's South Street Sewer Connection

Baskin stated that the presentation on Hopkinton’s request for determination of insignificance under the Interbasin Transfer Act would provide background information, and that the commission would be asked to vote on this request at the August meeting.

Drury introduced representatives of Hopkinton, Milford, and Lonza, an industrial concern. She provided background on the project, noting that details are provided in the draft Staff Recommendation. She explained that the Interbasin Transfer Act is triggered by a change in the wastewater discharge site and that there will be no increases in capacity or changes in the operating rules for the water supply sources. She noted that the commission has reviewed similar types of projects in the past, as outlined in the draft Staff Recommendation.

Hutchins provided an overview of the details of the proposed interbasin transfer. She credited staff member Erin Graham for technical analyses of the project. She explained that currently, wastewater is returned to the basin of origin, the Concord River basin. In the proposed condition, 204,410 gallons per day of this wastewater will be discharged to the Milford wastewater treatment plant in the Charles River basin and will cross both a basin boundary and a town line, triggering the Interbasin Transfer Act. The current discharge point at the Westborough wastewater treatment plant in the Concord River basin does not have the capacity to receive additional wastewater. Hutchins reiterated that the proposal does not involve a water supply transfer because it does not involve an increase in the capacity of Hopkinton’s Fruit Street wells.

Hutchins reviewed the criteria for approving a request for determination of insignificance and said the project meets these criteria. The presentation covered streamflow statistics, discharge data from the Westborough wastewater treatment plant, flow duration curves, impacts on the 7Q10 flows and potential impacts on downstream wastewater treatment plants, impacts of the loss of wastewater on special resource values, and cumulative impacts from other approved interbasin transfers. She pointed out that the wastewater represents a very large proportion of the total flow of the Assabet River at the Westborough Wastewater Treatment Plant. She also explained how the transfer amount of 204,410 gallons per day was calculated. She concluded by noting that the Hopkinton application meets the criteria for insignificance under the Act.

Drury added that Hopkinton has an agreement with Milford to send 0.5 mgd to the Milford wastewater treatment plant. If the request for a determination of insignificance for the transfer of wastewater from the Concord to the Charles basin is approved, Hopkinton would be restricted to sending 0.2 mgd of wastewater to Milford and will execute a separate agreement with Milford reflecting this. If Hopkinton chooses to send up to 0.5 mgd, the town would need an additional interbasin transfer approval.

Zimmerman asked about a comment related to an appeal regarding use of the proposed Fruit Street wastewater treatment plant, a groundwater discharge plant. He asked who was making the appeal and why, and what the capacity of the plant is. McIntyre responded the Cedar Swamp Conservation Trust and another local resident are appealing based on concerns about contamination of Whitehall Brook with phosphorus and nitrogen. The plant's capacity is 350,000 gallons per day, with the first-phase capacity to be 100,000 gpd. McIntyre added that there are other needs for wastewater capacity identified in the comprehensive wastewater management plan, and that the full capacity of the Fruit Street plant is needed to handle these needs, as well as the capacity at the Milford plant. Zimmerman asked what prevented the Fruit Street groundwater plant from being built to handle all of Hopkinton's sewage treatment needs. McIntyre responded that the soils at the discharge site limit the plant's capacity to 350,000 gpd.

Kearns commented that it was the opinion of the Department of Fish and Game (DFG) that the point of analysis for streamflow should have been at a different location, at the Fruit Street site where the wells are located. DFG believes that the Sudbury River, and not the Assabet River (part part of the Concord River basin), is the donor river. She added that this is particularly important because the upper portion of the Sudbury River is highly stressed, is an Outstanding Resource Water, and is close to an Area of Critical Environmental Concern. The current piping of water from this area to the Assabet River is contributing to stresses in the river.

Drury reminded the commission that it has 90 days to make a determination, and that a vote will be requested at the commission's next regularly scheduled meeting in August.

McIntyre requested the commission's approval of the determination of insignificance. He described the benefits of the project to the town of Hopkinton, including the ability to accommodate commercial and industrial development; to the commonwealth, which will receive additional revenue; and to the Charles River, which will receive some additional water. He added that the Fruit Street plant, if permitted to be built, will contribute recharge to the Sudbury River, which will lessen the effects of the proposed transfer.

Agenda Item #4: Update: EEA's Climate Change Adaption Advisory Committee

Baskin provided an overview of the recent activities of the Climate Change Adaptation Advisory Committee, convened by the Secretary of Energy and Environmental Affairs. The Global Warming Solutions Act required the Secretary convene a group of experts in a variety of disciplines to define and assess potential vulnerabilities resulting from the predicted impacts of climate change and evaluate strategies for adapting to the predicted effects of climate change. Baskin reviewed data on global climate trends and impacts as well as specific trends in the Northeast. She highlighted sea level rise as an example, noting that scientists predict that sea levels will continue to rise, but there is a great range in the predictions about the rate at which sea level will rise, with later studies predicting higher sea levels.

Baskin said the committee is evaluating strategies that respond to the effects of predicted climate change. As an example, she reviewed some of the predicted impacts of climate change on water, such as altered timing and amounts of streamflow, warmer water temperatures, and increased frequency of hot days and subsequent water demand. She noted that there will be many things that are not known or cannot be anticipated, and that the advisory committee's efforts must be seen as a first step. She showed maps and graphs illustrating impacts, such as potential coastal flooding, the number of extreme heat days, and effects on forests and fisheries such as shifts in tree populations and fisheries.

Baskin described the composition of the adaptation advisory committee, which has been organized into subcommittees in five topic areas: Local Economy and Government, Natural Resources and Habitat, Human Health and Welfare, Key Infrastructure, and Coastal Zone and Oceans. She described the timeline for meetings of the committee, which will submit a draft chapter to EEA by the end of the summer and a summary report to the legislature by December 31, 2009. Baskin invited all to participate in the meetings and invited input on the committee's work. Baskin said she would report back to the commission as vulnerabilities and strategies, particularly those related to water resources, are identified.

Zimmerman commented that it is important to think about how to communicate recommendations of the committee. Weiskel noted the long list of cross-cutting issues being addressed by the separate subcommittees and said creative solutions to climate change could solve multiple problems at once and will require cutting across those topic and expertise boundaries.

Pelczarski noted that climate change must involve measurement of long-term trends. He commented that discontinuance of funding for the USGS stream gages hinders the collection of basic data needed to measure and monitor climate change. Baskin acknowledged this and added that LiDAR data are also important, because without a finer resolution of elevation data, it is difficult to assess the impacts of sea level rise. She also noted discussions in the advisory committee about whether regulation should continue to be based on historical data or on modeling projections.

Zimmerman commented on the impediments to change in current regulation, policy, and law, because of individual organizational interests in the outcome. Baskin pointed to federal fisheries regulation as an example of inflexibility in the regulatory structure, which makes it difficult to adapt to change. A general northward shift in certain fish populations is currently occurring, but, regulation has not kept pace with these shifts, so that each state continues to hold onto its allocation of fish that can be caught.

Baskin invited input on the advisory committee's work from the commission and attendees.

Meeting adjourned

Attachments distributed or presented at meeting:

- Current Water Conditions in Massachusetts, July 9, 2009
- Revised minutes of the June 11, 2009, meeting of the Water Resources Commission.
- DCR Lakes and Ponds Program brochure, "Stop the Spread of Zebra Mussels (*Dreissena polymorpha*, an Invasive Mussel)"