



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

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**Meeting Minutes for February 11, 2016**

100 Cambridge Street, Boston, MA, 1:00 p.m.

*Minutes approved April 14, 2016*

**Members in Attendance:**

Kathleen Baskin	Designee, Executive Office of Energy and Environmental Affairs (EEA)
Linda Balzotti	Designee, Department of Housing and Community Development (DHCD)
Jonathan Yeo	Designee, Department of Conservation and Recreation (DCR)
Douglas Fine	Designee, Department of Environmental Protection (MassDEP)
Catherine deRonde	Designee, Department of Agricultural Resources (DAR)
Todd Richards	Designee, Department of Fish and Game (DFG)
Thomas Cambareri	Public Member
Raymond Jack	Public Member
Kenneth Weismantel	Public Member

**Members Absent**

Todd Callaghan	Designee, Massachusetts Office of Coastal Zone Management (CZM)
Paul Matthews	Public Member
Bob Zimmerman	Public Member

**Others in Attendance:**

Erin Graham	DCR
Michele Drury	DCR
Linda Hutchins	DCR
Anne Carroll	DCR
Jen Pederson	Massachusetts Water Works Association
Laila Parker	DFG, Div. of Ecological Restoration
Sara Cohen	DCR
Vandana Rao	EEA
Marilyn McCrory	DCR
Shi Chen	DEP
Duane LeVangie	DEP
Vanessa Curran	DCR
Becky Weidman	DEP
Robert Walker	Ryan Development
David Formato	Onsite Engineering, Inc.

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Baskin called the meeting to order at 1:00 p.m.

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

- Baskin introduced and welcomed Kenneth Weismantel, the newest Commission member, appointed to fill the empty Public Member seat. Mr. Weismantel is an engineer and is the Chair of the Planning Board in Hopkinton.
- Announcement that the Chicopee Basin outreach meeting on the Water Management Act and Water Needs Forecast was postponed, due to weather, until Feb 23.
- Fine reviewed DEP's efforts under Executive Order 562 to streamline regulatory reform:

- Many DEP regulations are being proposed for amendment and several for rescission.
- A subset is to be reviewed by the Commission, per the statutory authority under which they were promulgated. For each, DEP will come to the Commission twice: before or during the public comment period for a detailed review and opportunity for discussion, and again after public comment and internal review to secure a vote prior to sending the proposal to the Secretary of State. A handout was provided with brief summaries of the proposed actions and a target schedule (attachment #9).
- Baskin noted that separating the two meetings will allow the Commission and public to weigh in early in the review process.
- Hutchins provided an update on the hydrologic conditions for January 2016. Of note:
  - Central Region at Drought Advisory level for precipitation. Central, Northeast, and Southeast Regions at Drought Advisory level on streamflow, based on the last three months, although the most recent month was normal.
  - Forecast for 3-4" of precipitation in coming week likely to relieve dry conditions.
  - Groundwater levels all normal.
  - Reservoirs: Worcester well below normal and in Stage 1 of its drought plan. Southbridge low but just below trigger threshold. Milford in stage 4 of its drought plan (frequently confronting triggers due to its small size relative to demand). Hutchins noted that it is the eastern side of the Central region that is of concern.
  - US Drought Monitor status unchanged (with portions of the state designated as "abnormally dry" and "moderate drought"), but drought conditions likely be removed from the monitor later this month.
  - Pederson asked about USGS stream gage influenced by beaver dam in Acton. Hutchins said people are aware of this and working on it.
- Yeo and Carroll introduced Vanessa Curran, new staff member at DCR's Office of Water Resources, who will be taking on a role that spans duties from two recently retired employees, Geologist Bruce Hansen and Steve Asen in the Lakes and Ponds program.
- Pederson asked about state's recent attention to lead in drinking water. Fine responded that DEP is taking situation in Flint very seriously. He feels Massachusetts has a good program in place. DEP adheres to federal requirements under EPA's Lead and Copper Rule and is redoubling its efforts to ensure timely reporting and follow up on any exceedances of the lead action rule. Fine explained that lead is not from source water, but can leach from distribution systems, a situation exacerbated when water chemistry accelerates pipe corrosion. DEP is collaborating with EPA and DPH on renewed attention to the lead issue and performs outreach on lead at 1,600 schools and early education programs, providing follow-up technical assistance as requested.

**Agenda Item #2: Vote on the Minutes of December 2015**

Baskin invited motions to approve the meeting minutes for December 10, 2016

V O T E	<p>A motion was made by Cambareri with a second by Balzotti to approve the meeting minutes for December 10, 2016.</p> <p>The vote to approve was unanimous of those present, with 1 abstention: Weismantel.</p>
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**Agenda Item #3: Staff Presented Recommendation on Request for Determination of Insignificance for a Wastewater Discharge at Ledgeview at Wrentham**

Drury introduced David Formato from Onsite Engineering, Inc., and Robert Walker from Ryan Development as project proponents and provided a brief overview of the proposed project. Hutchins provided more project detail and reviewed staff analysis and recommendation in a presentation. (See attachments #3 and #10.) Key points were:

- The portion of Ledgeview's wastewater subject to ITA is only that which originates from wells in the Charles Basin (71% of public supply system) and is discharged across a town and basin boundary into the Taunton River basin in Plainville (20% of the project's wastewater). This amounts to a maximum day transfer of 0.016 MGD, equal to about two garden hoses worth of water.
- Based on the hydrology of Wrentham's wells along Lake Pearl, the project is suited to be reviewed under the newly adopted policy for determining insignificance in transfers primarily derived from lakes or impoundments.
- The transfer request meets criteria for Insignificance under this new policy.
- There are no apparent opportunities for controlled releases from Lake Pearl.
- Transfer will not lead to a change in Groundwater Flow Category or Biological Category under the revised WMA regulations either in small subbasin or the Charles River mainstem, nor will it impact special resource values.
- Staff also evaluated the transfer against some alternative review criteria that are proposed as part of pending revisions to the ITA regulations, and the project also met those criteria.
- Staff recommendation: find this project to be insignificant under the ITA.
- Application must be voted on by next meeting.

Comments, questions, and responses:

Yeo commented that this case is a perfect fit for new policy. Richards responded that the new policy needs some improvement, which he would like to work on. Given that, he appreciated review under the alternative criteria and was reassured that the project would still pass.

A brief discussion clarified that the demand for this proposed project would not require Wrentham to increase its authorized withdrawal volumes under the Water Management Act.

Richards asked for clarification about how cumulative impacts are tracked. Drury explained that staff use their records on all past transfers.

Pederson asked if it is Commission policy to alert all WMA permit holders about potential ITA approvals in the event that the approval may affect the permittees' WMA obligations down the line. Drury explained that all ITA applications are noticed in the Environmental Monitor. Baskin noted the Commission should consider this closely and figure out how to coordinate with DEP if a transfer will affect a Groundwater Withdrawal or Biological Category.

Richards pointed out that referring to these tiny volumes of water as "a garden hose worth of water" can over-trivialize the volume, as some small streams with thriving fish populations have summertime flow equal to two garden hoses of flow.

**Agenda Item #4: Staff Presented Recommendation on Foxborough's Request to Modify Hydrologic Monitoring of Witch Pond Swamp**

Baskin passed out new copies of the staff recommendation with minor corrections. Drury provided a brief overview of the proposed modification. Hutchins provided additional detail (See attachments #4 and #11). Key points included:

- The original transfer for Foxborough's Witch Pond wells was approved in 2001 with the condition that the complicated wetland system be monitored to determine if its hydrology had been modeled correctly.
- One monitoring point in the plan was intended to address impacts to a constructed wetland restoration site adjacent to the swamp. During a site visit in 2013, staff from DCR, DEP, and the Natural Heritage/Endangered Species program determined that the wetland restoration site was not functioning as a wetland and, therefore, the monitoring well for this wetland is not necessary. Foxborough's wetland restoration compliance is under DEP's jurisdiction.
- Recommend removal of monitoring well 4A, along with proper decommissioning of the well and submission of an updated monitoring plan reflecting the change.
- The Commission will be asked for a vote once it receives a completed new monitoring plan, which was requested for the end of April.

Baskin adjourned the meeting at 2:06 p.m.

**Documents or Exhibits Used at Meeting or Included in Preparatory Materials:**

1. WRC Meeting Minutes: December 10, 2016
2. Draft Staff Recommendation dated February 11, 2016, on the Request for a Determination of Insignificance under the Interbasin Transfer Act, MGL Chapter 21 Sections 8B - 8D, for the Ledgeview at Wrentham Wastewater Discharge
3. Staff Recommendation dated February 11, 2016, on the town of Foxborough's Request for Modification of the Witch Pond Swamp Hydrologic Monitoring Plan
4. Public Notice published January 6, 2016, in the MEPA *Environmental Monitor*: Schedule for Preparation of Water Needs Forecasts for Public Water Suppliers with Water Management Act Permits in the Chicopee River Basin
5. Correspondence dated January 25, 2016, from Water Resources Commission to MEPA regarding the Environmental Notification Form for the Ashland Rail Transit Apartments and a proposed interbasin transfer
6. Correspondence from Water Resources Commission, January 2016, regarding compliance with conditions of approved interbasin transfers: a) Canton; b) Foxborough; c) Hopkinton, Alprilla Farm wells; d) Plainville; e) Shrewsbury
7. Interbasin Transfer Act project status report, 28 January 2016
8. Hydrologic Conditions in Massachusetts, January 2016 Summary (available at <http://www.mass.gov/eea/agencies/dcr/water-res-protection/water-data-tracking/precipitation-composite-current-conditions.html>)
9. Handout from DEP summarizing regulations to be revised or rescinded under EO 562 that require Commission review, along with proposed schedule.
10. Presentation by Linda Hutchins: Determination of Insignificance for Ledgeview at Wrentham: Staff Recommendation
11. Presentation by Linda Hutchins: Modification of the Witch Pond Swamp Hydrologic Monitoring Plan: Staff Recommendation

Compiled by: SC

Agendas, minutes, and meeting documents are available on the web site of the Water Resources Commission at [www.mass.gov/eea/wrc](http://www.mass.gov/eea/wrc) under "MA Water Resources Commission Meetings."