



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

Meeting Minutes for March 10, 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)
Anne Carroll	Designee, Department of Conservation and Recreation (DCR)
Douglas Fine	Designee, Department of Environmental Protection (MassDEP)
Todd Richards	Designee, Department of Fish and Game (DFG)
Thomas Cambareri	Public Member
Raymond Jack	Public Member
Paul Matthews	Public Member
Kenneth Weismantel	Public Member

Members Absent

Catherine deRonde	Designee, Department of Agricultural Resources (DAR)
Todd Callaghan	Designee, Massachusetts Office of Coastal Zone Management (CZM)
Bob Zimmerman	Public Member

Others in Attendance:

Linda Hutchins	DCR
Peter Weiskel	U.S. Geological Survey
Tim Purinton	DFG-DER
Vandana Rao	EEA
Shi Chen	MassDEP
Sara Cohen	DCR
Andreae Downs	Wastewater Advisory Committee
David Formato	Onsite Engineering, Inc.
Lexi Dewey	Water Supply Citizens Advisory Committee
Marilyn McCrory	DCR
Jen Pederson	Massachusetts Water Works Association
Erin Graham	DCR
Michele Drury	DCR
Vanessa Curran	DCR
Becky Weidman	MassDEP
Duane LeVangie	MassDEP

Baskin called the meeting to order at 1:03 p.m.

Agenda Item #1: Executive Director's Report

Baskin reported that Weismantel requested a presentation on lead in drinking water at a future Commission meeting. Baskin and Fine stated that DEP would prepare a presentation for the April meeting. Downs added that MWRA had just put out a YouTube video on lead service lines and preventing lead poisoning.

Baskin invited Carroll to discuss highlights of the American Water Works Association Sustainable Water Management conference. Carroll noted a session on water loss control and prevention and said that Massachusetts is in relatively good shape. Pederson highlighted presentations on water reclamation and reuse and aquifer recharge in drought-stricken areas.

Baskin noted that Hutchins is leaving her position at DCR and cited her 17 years as staff to the Commission. Baskin, Carroll, and Weiskel all thanked Hutchins for her contributions, hard work, and service to the Commonwealth.

Hutchins provided an update on the hydrologic conditions for February 2016 (see list of exhibits at the end of these minutes). A heavy rainstorm on February 24 and 25 resulted in a surplus of rain for the month. Only the Central Region still has a 12-month drought advisory. Streamflow conditions were normal and above due to the heavy rain event. Groundwater levels are normal, and some records for the month of February were set. Worcester reservoir levels recovered into the normal range. In the Southeast Region, Assawompsett Pond is still slightly below normal. Milford is back into its normal range. The National Drought Monitor downgraded drought conditions for portions of Massachusetts to Abnormally Dry (from Moderate Drought). It is expected that any drought will be eliminated in March 2016. Temperatures and precipitation are predicted to be above normal for the next three months.

Open Forum: Cohen announced that staff from the Environmental Finance Center at the University of North Carolina Chapel Hill developed a web-based dashboard for Massachusetts based on data that the consulting firm Tighe and Bond developed on Massachusetts water rates. Free technical assistance is available for systems serving fewer than 10,000 people. Downs asked if stormwater rates were included. Cohen clarified that water and wastewater rates are part of the dashboard.

Downs asked about the status of the draft MS4 permit from EPA. Fine responded that EPA expects the final permit to be ready by mid-April. DEP and other stakeholders are continuing to work with EPA on the permit and questions about implementation.

Agenda Item #2: Vote on the Staff Recommendation on the Request for a Determination of Insignificance under the Interbasin Transfer Act for the Ledgerview at Wrentham Wastewater Discharge

Drury recapped that this project was discussed at the January Commission meeting and that the 90-day deadline for the Wrentham Interbasin Transfer proposal is today.

Matthews arrived at 1:22 pm.

Drury: the MEPA process is currently underway and the draft EIR certificate was recently issued. Drury introduced David Formato from Onsite Engineers, who is representing the developer. The staff recommendation was revised to include more information regarding the outlet structure.

Hutchins stated that the two conditions of the insignificance policy of December 2014, proximity and direct hydrologic connection, both apply. In terms of ITA criteria for insignificance, the proposal meets all the conditions required. There was a special resource mapped – bridle shiner fish. NHESP is comfortable that there will be no additional impact, if water withdrawals remain

within the volumes authorized by the Water Management Act permit. When the WMA permit is renewed, DEP can take measures to require minimization, if necessary. Staff recommendation is for the Commission to find the proposed transfer insignificant under the ITA.

Baskin invited a motion to accept the staff recommendation (see list of exhibits) that the proposed interbasin transfer is insignificant under the ITA.

V O T E	A motion was made by Matthews with a second by Weismantel to accept the Staff Recommendation that the proposal by Ryan Development associated with the Ledgeview at Wrentham development, to transfer wastewater from the Charles River basin in Wrentham to the Taunton River basin in Plainville is insignificant under the Interbasin Transfer Act. The vote to approve was unanimous of those present.
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Weismantel thanked staff for their presentation and noted there was no opposition to the staff recommendation. He suggested in cases where all criteria are met, the Commission should proceed with approval as soon as possible. He is not comfortable taking the whole 90 days for the decision.

Richards said he continues to have reservations about the application of the lakes, ponds, and reservoirs policy in this case. However, he stated he is willing to move forward since DCR staff showed that the proposal still meets the criteria for insignificance under the draft streamflow policy.

In response to Weismantel's comments, Baskin wanted to further discuss timely decision making. She said it is customary for the Commission to bring a project forward at one meeting and to vote on it the following month, but suggested if there is a consensus earlier and enough information, the Commission could move ahead with a vote. Jack noted it is unusual to go right to the deadline and that while the Commission is not usually holding the process up due to other work that needs to be completed (EIR, other regulatory thresholds), he is also in favor of expediting the process where possible. Pederson suggested it should be clear on the agenda whether or not a vote is intended in order to allow public input. Formato observed that DCR staff worked expeditiously and did not hold up the process from his perspective. Baskin said the Commission should strike the balance between expediting a matter and addressing all concerns. If the matter is straightforward, then a vote should be listed on the agenda.

Agenda Item #3: Presentation: Three regulations proposed for rescission by MassDEP under EO562

Fine: under Executive Order 562 of 2015, DEP has three regulations that are proposed for rescission (see list of exhibits). By statute, certain regulations must come before the Commission for a vote. The intention will be to come to the Commission at or about the beginning of the public comment period and come back for a vote after the Commonwealth's approval process. There are three DEP regulations proposed for rescission that require a vote from the Commission. These are grant programs that have long been without any funding, and no renewal is anticipated. Some related financial assistance may be available in the form of loans rather than grants from DEP or other sources.

310 CMR 14.00: Financial Assistance to Municipalities for Correcting Failed On-Site Disposal Systems is proposed for rescission. To provide financial assistance to correct failed on-site septic systems, the current mechanism is low-interest loans through the State Revolving Fund. Loans are made to the municipality, and municipalities can then offer the loans to homeowners. Five million dollars is available per year, the full amount of which is rarely used.

Downs: Steve McCurdy of DEP spoke about the clean water trust funds at another meeting. In towns with low- and moderate-income residents, might SRF funds be able to be used for capital forgiveness? Fine thought McCurdy may have been referring to the water infrastructure bill of 2014, which lays out the criteria for enhanced subsidy (0% loans, principal forgiveness, criteria for eligibility). The Legislature would need to appropriate funds. Would funds be available to municipalities in the form of capital forgiveness or lower than 2% loans? Reading from a copy of the regulations referenced by McCurdy, Pederson later noted that the regulations appear to allow SRF funds to be used as described by Downs.

The next two regulations proposed for rescission are 310 CMR 28.00: Water Supply Contamination Correction Program and 310 CMR 31.00: Water Conservation Grants Program. Low-interest loans are currently available through the State Revolving Fund to assist with water supply contamination correction. Demand is well above available funds for these projects. For water conservation, grants are available for permitted public water systems through Water Management Act (WMA) grants. This money can be used for requirements such as water conservation and water-use reduction. Via the most recent round of grants, DEP offered contract services to help permittees with water-loss audits (using the American Water Works Association's M36 audit methodology). The permittee only has to provide in-kind time to provide information for use in the audits. Fifteen permittees are interested; DEP is working to finalize contract negotiations. Baskin asked if this program was open to more water suppliers or might be offered in other years. Fine said there was a finite amount of money for FY16 but there has been money in previous years so DEP is hopeful that there will be money available in future years.

McCrary asked about the level of funding that used to be available under the water conservation grant program (310 CMR 31.00: Water Conservation Grants Program). Fine said it was \$1 million. McCrary asked if that money was being replaced through the SWMI grants. Levangie said DEP has given out between \$800,000 and \$1 million each year through SWMI but not all of that money is used for water conservation. Cohen and Pederson noted that metro Boston communities are not eligible for SWMI grants because they are not permittees under the WMA. Fine agreed and noted a big gap between the large number of public water suppliers and the much smaller number of WMA permittees.

Jack stated that communities should think through financing a large-scale project before borrowing from the SRF. There are major factors that come into play. Generally the low interest is attractive, but there are other requirements associated with accepting SRF funding that would not apply if the community obtained financing through other sources. Fine agreed, responding that many of the requirements are federally imposed and requirements are increasing. DEP does provide assistance to potential borrowers.

Fine: the three rescissions will be published in the Massachusetts Register on April 8. The public comment period will run from April 8 to May 13. A hearing will take place around May 2nd (no firm date yet).

There are also regulations proposed for amendment that will be brought to the Commission for discussion and an eventual vote:

- April or May: underground injection control, industrial wastewater holding tanks, and land application of sludge
- May or June: groundwater discharge permit program
- June or July: surface water quality standards

Meeting adjourned, 2:07 p.m.

Documents or Exhibits Used at Meeting:

1. Hydrologic Conditions in Massachusetts, February 2016 Summary (available at <http://www.mass.gov/eea/agencies/dcr/water-res-protection/water-data-tracking/precipitation-composite-current-conditions.html>)
2. Staff Recommendation for WRC Vote, dated March 10, 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. Massachusetts Department of Environmental Protection: Summary of Proposed Regulations Rescissions, March 2016:
 - 310 CMR 14.00: Financial Assistance to Municipalities for Correcting Failed On-Site Disposal Systems
 - 310 CMR 28.00: Water Supply Contamination Correction Program
 - 310 CMR 31.00: Water Conservation Grants Program
4. Interbasin Transfer Act project status report, February 29, 2016
5. Presentation by Linda Hutchins: Wrentham Ledgeview Interbasin Transfer Act Determination of Insignificance: Staff Recommendation
6. MassDEP Proposed Regulation changes (under EO562) for Presentation to the Massachusetts Water Resources Commission – Target Schedule, 3/10/16

Compiled by: VC

Agendas and minutes are available on the web site of the Water Resources Commission at www.mass.gov/eea/wrc under "MA Water Resources Commission Meetings." All other meeting documents are available by request to WRC staff at 251 Causeway Street, 8th floor, Boston, MA 02114.