



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

Meeting Minutes for April 14, 2016

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

Minutes approved May 12, 2016

Members in Attendance:

Vandana Rao	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)
Gerard Kennedy	Designee, Department of Agricultural Resources (DAR)
Todd Richards	Designee, Department of Fish and Game (DFG)
Raymond Jack	Public Member
Kenneth Weismantel	Public Member

Members Absent

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

Others in Attendance:

Michele Drury	DCR
Kurt E. Gaffney	Town of Mansfield
Jen Pederson	Mass. Water Works Association
Andreae Downs	Wastewater Advisory Committee
Erin Graham	DCR
Damon Guterman	MassDEP
Duane LeVangie	MassDEP
Becky Weidman	MassDEP
Richard Friend	MassDEP
Sara Cohen	DCR
Lexi Dewey	Water Supply Citizens Advisory Committee
Peter Weiskel	U.S. Geological Survey
Marybeth Childs	MassDEP
David Ferris	MassDEP
Joe Cerutti	MassDEP
Marilyn McCrory	DCR

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

Agenda Item #1: Executive Director's Report

Rao announced that, because of temporary staffing shortages, the monthly hydrologic conditions report will not be compiled and presented in the short term. Carroll added that DCR staff will continue to track and monitor parameters in the Drought Management Plan and will provide an update to the Water Resources Commission if conditions fall below normal.

Rao announced that DFG staff member Laila Parker is departing the state. Rao and others acknowledged Parker's contributions and work.

Rao announced that the Environmental Protection Agency has issued the final general permit for small Municipal Separate Storm Sewer Systems (MS4) in Massachusetts. Five informational meetings will be held throughout the state. An update will be provided at a future meeting of the Water Resources Commission. Fine added that information is also available on EPA's web site (https://www3.epa.gov/region1/npdes/stormwater/MS4_MA.html). He explained that in Massachusetts, EPA administers the NPDES storm water program in cooperation with MassDEP. He noted that MassDEP had provided comments to EPA on the draft permit to address requirements that appeared to be overly burdensome or vague about compliance. He added that MassDEP is committed to working with municipalities to make sure they have the tools and assistance needed to comply with the permit.

Rao announced several upcoming workshops and webinars of interest to the commission.

Agenda Item #2: Vote on the Minutes of February and March 2016

Rao invited motions to approve the meeting minutes for February and March 2016.

V	A motion was made by Richards with a second by Balzotti to approve the meeting minutes
O	for February 11, 2016.
T	
E	The vote to approve was unanimous of those present, with one abstention (Kennedy).

V	A motion was made by Weismantel with a second by Balzotti to approve the meeting
O	minutes for March 10, 2016
T	
E	The vote to approve was unanimous of those present, with one abstention (Kennedy).

Agenda Item #3: Vote to Approve Revised Operating Schedule and Discontinuance of Monitoring for Morrison Well No. 10 in Mansfield

Rao introduced Michele Drury of DCR. Drury acknowledged Kurt Gaffney of the town of Mansfield and staff from MassDEP and DFG who assisted with reviews and consultations on the project. She provided background on the project, noting that the Water Resources Commission had approved an Interbasin transfer in 2000 with conditions providing protection for two state-listed endangered species and a complicated wetlands ecosystem. These conditions included thresholds for shutoff of the well and required year-round hydrologic monitoring and vegetative monitoring at five-year intervals. The conditions were based on modeling done at the time of the application to support the request. However, fifteen years of monitoring data indicate that the wetland appears to be more influenced by precipitation than by water withdrawals, though concerns remain about the dry period of the year.

Drury summarized the staff recommendation to support the requested modification to monitoring requirements. In exchange for ceasing pumping of Well No. 10 during August, September, and October, the town would discontinue monitoring of groundwater levels and observation of well shutoff thresholds. Wetland vegetative monitoring would continue, but on a ten-year interval. The town would also continue an annual eradication program for glossy buckthorn in the Witch Pond Atlantic White Cedar swamp.

Raymond Jack arrives.

Drury introduced Richard Friend of MassDEP who reviewed the groundwater monitoring data and explained that there did not appear to be a direct correlation between pumping and water levels in the swamp. Also, use of Well No. 10 has decreased significantly over the years due to increased capacity available elsewhere in the town's water supply system; the town does not expect to use this well at its authorized capacity.

Comments, questions, and responses:

- Comments from Weismantel and Richards prompted discussion of whether it was worthwhile to continue monitoring to protect the Witch Pond Swamp. Drury and others responded that monitoring results indicate that discontinuation of pumping during the driest periods will protect the swamp, and vegetative monitoring will indicate changes in the health of the swamp.
- Will pumping during August, September, and October be allowed for public health and safety reasons? Friend confirmed that the town can request an emergency declaration from DEP, which is exempt from the provisions of the ITA.

Drury requested a vote on the staff recommendation. Rao invited a motion to accept the staff recommendation of April 14, 2016, to allow Mansfield to discontinue ground water monitoring and reporting, and observation of ground water elevation shutoffs, required as part of the interbasin transfer approval, in exchange for ceasing pumping operations at Well 10 during the months of August, September, and October and subject to the conditions outlined in the staff recommendation.

V	The above motion was made by Jack with a second by Fine.
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T	The vote to approve was unanimous of those present.
E	

Drury noted that the next step is to revise the conditions of the original approval.

Agenda Item #4: Presentation and Discussion: Update on Lead in Drinking Water

Fine introduced Damon Guterman of MassDEP to provide information on lead in drinking water in response to earlier requests (more information is available at <http://www.mass.gov/eea/agencies/massdep/water/drinking/lead-in-drinking-water.html>).

Noting that this will continue to be a topic of concern, Fine offered to return to the commission with updates as the need arises.

Guterman reviewed the requirements of the Safe Drinking Water Act and other legislation. He described sources of lead in drinking water, noting that the primary sources are service lines and household plumbing materials. He noted the challenge this presents to public water systems, which do not own this infrastructure. He reviewed lead monitoring requirements and follow-up actions required if monitoring indicates that a site has exceeded the lead action level. He noted that a site is subject to enforcement not for exceeding the lead action level, but for not conducting the required follow-up activities. Guterman also reviewed the circumstances under which a public water supplier institutes corrosion control and provided links to guidance materials from EPA as well as local results of lead sampling:

- <https://www.epa.gov/dwreginfo/optimal-corrosion-control-treatment-evaluation-technical-recommendations>
- <https://www.epa.gov/dwreginfo/lead-and-copper-rule-compliance-help-primacy-agencies#LSLR>
- <http://www.mass.gov/eea/agencies/massdep/water/drinking/public-water-systems-lead-90th-lead-sampling-results.html>

Guterman also provided information on lead poisoning, noting that the Department of Public Health oversees a testing program for children. He reviewed requirements for replacement of lead service lines and sources of funding, including State Revolving Fund loan programs for public water suppliers. He also reviewed proposed changes to EPA's lead and copper rule.

Questions and comments addressed differences between federal and state requirements, the potential burdens of regulatory requirements, the difficulty of communicating risks to the consumer, and the challenges associated with chemical treatment. Guterman noted that the most effective long-term solution is to remove lead service lines and improve consumer education. Downs suggested that, when possible, wastewater lines be replaced when water lines are replaced. Guterman advised consumers to contact their water supplier with concerns. Fine further advised consumers to reduce exposure to lead by flushing taps for thirty seconds or until the water runs cold and to not cook with hot water from the tap.

Agenda Item #5: Presentation and Discussion: Proposed Regulation Amendment – Land Application of Sludge and Septage (310 CMR 32.00)

Fine reviewed MassDEP's plan for regulations proposed for rescission or amendment (see the minutes of the Commission's March 10, 2016, meeting at <http://www.mass.gov/eea/waste-mgmt-recycling/water-resources/preserving-water-resources/partners-and-agencies/water-resources-commission/ma-water-resources-commission-meetings.html>). At the beginning of the process, MassDEP will provide an overview of each regulation to the Water Resources Commission and the opportunity to ask questions. Following a public comment process and approval of the regulatory changes for promulgation, MassDEP will return to the Commission for a vote. He noted that the optimal window to propose changes is during the public comment period.

Fine introduced David Ferris of MassDEP to discuss proposed changes to regulations on the land application of sludge and septage. Ferris outlined proposed changes to 310 CMR 32, which regulates on the land application of wastewater treatment plant residuals for beneficial use. The proposed change would raise the limit on the allowable concentration of molybdenum in forage; the change would also revise labeling requirements. Ferris described MassDEP's work with stakeholders and outlined the schedule for public notice, public comment, and promulgation.

Questions and discussion addressed the toxicity of the contaminant in both domestic and wild ruminants, human health effects, and the cost impact of the proposed change (likely a positive cost impact).

Agenda Item #6: Presentation and Discussion: Proposed Regulation Amendment – Underground Injection Control (310 CMR 27.00)

Fine introduced Joe Cerutti to discuss proposed amendments to 310 CMR 27, which regulates subsurface wastewater discharges. Cerutti outlined related regulations and noted that the primary purpose of the underground injection control (UIC) regulations is to protect underground sources of drinking water, primarily through a registration process. He outlined the proposed changes, some of which are required by the Environmental Protection Agency. Other changes include exempting single-unit residential properties, allowing presumptive approval, and requiring submittal through the eDEP electronic filing system. He outlined the stakeholder engagement process, the schedule for public notice and public comment, and the target date for promulgation.

Questions addressed responsibility for monitoring electronic submittals; cost impacts; potential impacts on municipalities who now have to comply with new MS4 permit requirements related to illicit discharges; applicability to closed- versus open-loop geothermal systems; and the proposed exemption for single-family residences.

Agenda Item #7: Vote: Foxborough’s Request to Modify the Witch Pond Swamp Hydrologic Monitoring Plan

Drury provided an update to the discussion held at the February 2016 meeting on the request by the town of Foxborough to discontinue hydrologic monitoring at one site (F-4A) near Foxborough’s Witch Pond wells (see minutes of the February 11, 2016, WRC meeting). Staff recommended discontinuing monitoring at this site because monitoring here does not serve the purpose of evaluating impacts of the wells on the Witch Pond swamp. Approval of this request was contingent on decommissioning of the monitoring well and submittal of a modified monitoring plan by April 29, 2016. Foxborough is now requesting modification of the deadlines associated with those conditions – an extension until July 31, 2016, for submission of the revised monitoring plan, and a request to decommission the well while on-ground conditions are still wet, prior to the submission of the monitoring plan. Drury noted that staff believes these modifications are reasonable.

Balzotti asked what recourse is available if the town discontinues monitoring but fails to submit the updated monitoring plan. Drury outlined several options, including alerting the Attorney General.

Rao invited a motion to allow Foxborough to discontinue monitoring at monitoring point F-4A and remove monitoring point F-4A while operating the Witch Pond Wells, with the expectation that this modification will be included in a revised monitoring plan submitted to the Commission for review by July 31, 2016.

V	The above motion was made by Jack with a second by Weismantel.
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T	The vote to approve was unanimous of those present.
E	

Rao announced that the date of the May WRC meeting has been changed to **May 12**, the second Thursday of the month.

Meeting adjourned, 2:55 p.m.

Documents or Exhibits Used at Meeting:

1. WRC Meeting Minutes:
 - February 11, 2016
 - March 10, 2016
2. Memorandum dated April 14, 2016, from WRC staff to Water Resources Commission regarding Modification of Mansfield's Hydrologic and Vegetative Monitoring Plans.
3. Presentation by Damon Guterman: Lead in Drinking Water.
4. Presentation by David Ferris: Proposed Changes to: 310 CMR 32.00, Land Application of Sludge and Septage.
5. Presentation by Joe Cerutti: Proposed Changes to Underground Injection Control (UIC) Regulations, 310 CMR 27.00.
6. Correspondence dated March 18, 2016, from Water Resources Commission to Town of Foxborough regarding a request for a change in schedule for updating the town's hydrologic and wetland monitoring plan for the Witch Pond well sites.
7. Memorandum dated April 14, 2016, from WRC Staff to Water Resources Commission regarding an Update to the Recommendation on the Modification of Foxborough's Witch Pond Swamp Hydrologic Monitoring Plan, presented to the WRC on February 11, 2016.
8. Public Notice from the Massachusetts Water Resources Commission: Receipt of a Request from the Town of North Reading for Approval of an Action to Increase the Present Rate of Interbasin Transfer under the Interbasin Transfer Act, MGL Chapter 21 Section 8B - 8D.
9. WRC Decision dated March 10, 2016, on the Request for Determination of Insignificance under the Interbasin Transfer Act, MGL Chapter 21 Section 8B - 8D, for the Ledgeview at Wrentham Wastewater Discharge.
10. Public Notice dated March 31, 2016, for publication in the MEPA Environmental Monitor: Schedule for Preparation of Water Needs Forecasts for Public Water Suppliers with Water Management Act Permits in the Quinebaug River Basin.
11. Interbasin Transfer Act project status report, March 30, 2016.

Compiled by: MJM

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.