



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

---

**Meeting Minutes for May 12, 2016**

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

*Minutes approved June 9, 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)
Duane LeVangie	Designee, Department of Environmental Protection (MassDEP)
Gerard Kennedy	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
Bob Zimmerman	Public Member

**Members Absent**

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

**Others in Attendance:**

Michele Drury	DCR
Wayne Castonguay	Ipswich River Watershed Association
Marilyn McCrory	DCR
Michael Gilliberto	Town Administrator, North Reading
Mark Clark	Water Superintendent, Town of North Reading
Paul Brinkman	Wright-Pierce
Sara Cohen	DCR
Pam Heidell	Massachusetts Water Resources Authority
Jennifer Pederson	Massachusetts Water Works Association
Lexi Dewey	Water Supply Citizens Advisory Committee
Jennifer Sulla	EEA
Vandana Rao	EEA
David Ferris	MassDEP
Marybeth Chubb	MassDEP

---

Baskin called the meeting to order at 1:05 p.m.

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

Baskin announced that WRC staff is currently working on water needs forecasts for communities in the Quinebaug River Basin, and a notice will appear in the *Environmental Monitor*. She also announced that Gerard Kennedy has returned to the Water Resources Commission as the designee for the Department of Agricultural Resources.

Carroll provided an update on hydrological conditions for April 2016. Carroll explained that the commonwealth's Drought Management Plan considers seven indices, and several of these

indices have reached the drought advisory level in three regions. Streamflow has reached the advisory level in the central and northeast regions. The reservoir watch level was triggered in the southeast region. In addition, the town of Milford's reservoir has reached the Stage 4 drought emergency level. In other regions, streamflow and groundwater were slightly below normal for April. Precipitation, soil moisture, and fire danger were at normal levels.

Cambareri announced that EPA had recognized the Cape Cod 208 Planning Team with an environmental merit award for the team's work on the Section 208 Area-wide Water Quality Management Plan.

Pederson announced that Governor Baker has filed legislation for the state to administer the National Pollutant Discharge Elimination System (NPDES) program. Baskin explained that Massachusetts is one of four states that has not been delegated by the U.S. Environmental Protection Agency to administer the NPDES program under the Clean Water Act. She added that the legislation resulted from work with a stakeholder committee and is the first step to taking the program under state control.

Zimmerman arrives.

There was some discussion of the vacant hydrologist position at DCR, with Richards noting the important role the hydrologist plays in coordinating agency input to the Drought Management Task Force. Carroll responded that the position is expected to be filled in the next few months, and, in the short term, other DCR staff will assume some of these responsibilities. Richards noted a discussion at a recent task force meeting of the definition of drought in relation to intermittent streams and the importance of protecting buffers. He suggested a meeting with the hydrologist to continue this discussion, whether or not the task force is convened in the near term.

Zimmerman questioned why the regulations resulting from the Sustainable Water Management Initiative (SWMI) are not being implemented. He commented that the regulations resulted from four years of discussion and negotiation and are intended to balance water use with resource protection, make water supply more sustainable, and build resilience in the face of climate change. He asked the Water Resources Commission to request an explanation from the administration for why Water Management Act permits are not being put in place. Baskin thanked Zimmerman for his comments and said she would inform the administration.

**Agenda Item #2: Vote on the Minutes of April 2016**

Baskin invited motions to approve the meeting minutes for April 14, 2016.

V O T E	A motion was made by Weismantel with a second by Balzotti to approve the meeting minutes for April 14, 2016. The vote to approve was unanimous of those present, with three abstentions (LeVangie, Cambareri, and Zimmerman).
------------------	---

**Agenda Item #3: Presentation: Request for Additional Information – North Reading Interbasin Transfer Application**

Drury acknowledged Michael Gilleberto, Mark Clark, and Paul Brinkman, representing the town of North Reading, and Pam Heidell of the Massachusetts Water Resources Authority (MWRA). The town is proposing to obtain its water supply from the MWRA water supply system, which is subject to the Interbasin Transfer Act (ITA). The town's Draft Environmental Impact Report (DEIR)

submitted to the Massachusetts Environmental Policy Act (MEPA) office serves as the interbasin transfer application; the WRC submitted comments to MEPA on the DEIR. Drury noted a correction to the staff memo on this project: the secretary's certificate on the DEIR is anticipated to be published in mid-May.

Drury stated that at this point, no judgments are being made on the merits of the request. The WRC's comment letter to MEPA requested the additional information needed to evaluate the project against the criteria of the Act and regulations. Drury outlined the project, explaining that the town is located in the Ipswich River Basin and is proposing to purchase 2.58 mgd from the MWRA's sources in the Chicopee and Nashua river basins. The town proposes to discontinue using its local water supply sources in the Ipswich River Basin and plans to forfeit its Water Management Act (WMA) registration. The town will continue to use its connection to the Andover supply as emergency backup. Drury said that agency staff evaluates interbasin transfer requests using the ITA performance standards and regulations. The additional information requested from North Reading through the MEPA process falls into six categories relevant to the ITA: Water Loss Control and Accountability; Water Rates; Drought Management Planning; Public Facilities; Residential Water Use; Non-Residential Water Use. The specific information needed is listed in the staff memo provided in the meeting package.

Kennedy arrives.

Drury noted that once the MEPA review process concludes, the ITA process can begin, starting with a determination by the commission that the ITA application is complete. She outlined the ITA process and schedule, including public hearings and a determination by the commission to approve or deny the transfer.

There was some discussion of the differences between decommissioning and abandonment of a public water supply well and the differing levels of protections associated with each process. Drury said the secretary's certificate will outline the scope of the final EIR, including comments to be addressed, and these questions will be addressed during the ITA review process.

There was some discussion of wastewater disposal and how wastewater discharges are considered during ITA review. Zimmerman asked if the ITA considers infiltration and inflow. Drury noted that the town's wastewater is discharged through septic systems, though the town is considering wastewater disposal alternatives. If the town abandons its local water supply sources, these discharges would not be subject to the ITA, because these would become a secondary transfer of the water from the MWRA out-of-basin sources. Zimmerman urged North Reading to consider alternatives to sewerage and offered to work with the town.

Castonguay commended the town of North Reading for seeking other sources of water supply, noting that 88 percent of water allocations using the Ipswich River are registered. He commented on potential unintended consequences. He highlighted three issues that warrant careful consideration and assignment of appropriate conditions: the proposal to send sewage outside the basin; the proliferation of private well installations; and the proposal to abandon the town's existing wells. In response to questions from Zimmerman, Castonguay cited the towns of Reading and Topsfield as success stories, noting their success in reducing outdoor water use, without a proliferation of private wells. Jack commented that local boards of health have purview over private wells. He urged stronger public education efforts. Gilleberto thanked the

commission and noted that the town of North Reading plans to seek appropriations at town meeting in three weeks.

**Agenda Item #4: Vote: Water Resources Commission Annual Report, FY2015**

Carroll explained that a vote on the annual report can be postponed if commission members would like another month to review the draft. She provided an overview of the report’s organization and content, and invited comments. Pederson suggested highlighting the need for adequate funding to replace deteriorated groundwater monitoring wells in the USGS Cooperative program. Carroll noted that this issue was brought up in FY2016 and can be added to the annual report for that year. Baskin noted that agency staff are seeking funds through the capital budget for this program and are also pursuing a grant opportunity. Richards requested more specific internet links to USGS reports.

V O T E	A motion was made by Zimmerman with a second by Weismantel to approve Water Resources Commission Annual Report for Fiscal Year 2015. The vote to approve was unanimous of those present.
------------------	---

**Agenda Item #5: Presentation and Discussion: Water Resources Commission Work Plan, FY2017**

Carroll highlighted new tasks in the work plan and shifts in emphasis. She requested input on efforts to support the Water Conservation Standards, such as a web site that would serve as a resource for best practices on water conservation.

There was considerable discussion of tools for reducing water losses. Weismantel commented that high water losses represent a serious inefficiency, noting that increased revenue resulting from reducing unaccounted-for water could cover the cost of replacing meters and other fixes. LeVangie discussed state funding that has been awarded to implement the American Water Works Association’s standard for water audits (the M36 method). Carroll added that state agency staff can provide technical assistance. Pederson noted that the grants funded through the Sustainable Water Management Initiative are available only to communities with Water Management Act permits. She added that a comprehensive audit is costly and urged more state incentives and tapping other sources of funding, such as the State Revolving Fund. Baskin noted that the standard is “meet or make steady progress toward meeting” ten percent unaccounted-for water, with the intention that communities either meet the 10% standard or take actions, such as conducting a thorough audit, to improve efficiency.

There was also discussion of whether changes are needed to address lead in drinking water, a topic of national concern and discussion. Weismantel and Zimmerman urged that this issue be elevated to a high priority. Discussion ensued on whether the commission should consider recommending more stringent state standards for lead in drinking water or legislation to require removal of lead water service lines. Jack noted other factors affecting lead concentrations and said there are multiple sources of and solutions to the problem. Pederson asked if water quality is within the commission’s purview. Baskin responded that the Water Resources Commission has broad authority on water policy. She recognized EPA and DEP as authorities on the topic and added that the issue will be added to the work plan as one that the commission will follow and receive briefings on.

Cambareri commented that there are other issues that are appropriate for the commission to stay abreast of, including compounds of emerging concern. Drury invited requests for other topics of concern to the commission. Baskin invited comments on the work plan and said the commission would vote to approve the plan at its next meeting.

**Agenda Item #6: Presentation and Discussion: Proposed Regulation Amendment – Industrial Wastewater Holding Tank Regulations (314 CMR 18)**

Baskin introduced David Ferris of MassDEP to discuss proposed amendments to industrial wastewater holding tank regulations at 314 CMR 18, which establishes design and operation standards for such tanks. Ferris explained that the proposed changes will allow permitted treatment facilities to accept industrial waste that is not hazardous, thereby reducing costs to the waste generator. He outlined other changes that will allow certain exemptions, clarify cost feasibility, and allow better tracking of industrial wastewater transport and disposal locations.

In response to questions, Ferris outlined the types of companies regulated and explained that wastewater is generated in production and cleaning operations and through floor drains. He also responded that the certification would not transfer if there is a change of ownership. He also noted that the regulations do not distinguish between holding tanks located in the Zone 1 or Zone 2 area of protection around water supply wells.

Ferris outlined the stakeholder engagement process and public comment process and timeline, with anticipated promulgation by September 2016. He noted that draft regulations will be available on MassDEP's web page in June.

**Agenda Item #7: Presentation and Discussion: Proposed Regulation Amendment – Groundwater Discharge Permitting Regulations (314 CMR 5)**

Baskin introduced Marybeth Chubb of Mass DEP to discuss proposed regulatory amendments for the groundwater discharge permit program at 314 CMR 5.00, which control the discharge of pollutants to ground waters. She outlined proposed exemptions for discharges regulated by other programs or agencies, including agricultural discharges, ground source heat pump wells, water supply treatment works, and certain discharges complying with underground injection control regulations. Other proposed revisions will streamline procedures, clarify language on violations and penalties, allow self-certification for private wastewater treatment facilities when there is a change of ownership, change requirements related to maintaining sufficient funds for repair and replacement, and require electronic reporting.

Zimmerman leaves.

Questions, comments, and responses:

- Does the Department of Agricultural Resources (DAR) would have the capacity to oversee compliance? Kennedy: DAR has some staff. Many farmers work with the Natural Resource Conservation Service (NRCS) to develop land application plans. It is in the farmer's interest to maximize the effectiveness of land application of nutrients.
- Is nitrogen regulated in the same way as phosphorus? Kennedy and Ferris: The current MassDEP regulations exempt agricultural operations from obtaining a groundwater discharge permit. DAR regulations regulate phosphorus through a ban. Nitrogen application is handled through nutrient management plans, which indicate quantities appropriate to each crop.

- How are pesticides in water used to wash farm produce handled? Who provides oversight? Ferris and Kennedy: New federal regulations requiring that produce be washed at the farm include a lag time between pesticide application and crop harvesting. DAR does not have inspectors to observe applications, but pesticide application is heavily regulated, and applicators are required to be trained and licensed. The federal Food Safety Management Act also is bringing more stringent public health controls to farms.
- What is being found in wash water on farms? Ferris: no additives are allowed; farms are required to use clean water to wash produce.
- Clarify the purpose of changing requirements for the reserve funds. Chubb and Ferris: the same amount of money will be reserved at the end of twenty years in the combined account; consolidating these funds allows more flexibility to use funds for emergency repairs.
- Is there an inflation index? Ferris and Chubb: No, but it is rare for these small treatment facilities to need total replacement. The permit requires an engineering evaluation at year 15.
- Will MassDEP's current systems will be able to accept electronic reporting? Chubb: The web-based form currently in use is working.
- Confirm that there are no plans to relax discharge standards. Ferris and Baskin: No. The intent of the regulatory revisions is to make the process easier while maintaining environmental protections.

Chubb reviewed the stakeholder outreach process. She noted that these regulatory revisions are still under review. Baskin added that she will inform the commission of the timeframe for public notice and comment.

Meeting adjourned, 3:00 p.m.

**Documents or Exhibits Used at Meeting:**

1. WRC Meeting Minutes for April 14, 2016
2. Correspondence dated April 21, 2016, from Water Resources Commission to MEPA Office regarding the DEIR/Interbasin Transfer Act application for the town of North Reading's new water and wastewater solutions project
3. Memorandum dated May 12, 2016, from WRC Staff to Water Resources Commission regarding Request for Additional Information, North Reading's Request for Admission to the MWRA, Interbasin Transfer Application
4. Water Resources Commission Annual Report, FY2015 (Draft)
5. Draft WRC Work Plan, FY2017
6. Public Notice dated April 25, 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
7. Interbasin Transfer Act project status report, April 28, 2016
8. WRC Decision 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

*Compiled by: mjm*

*Agendas and minutes 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." All other meeting documents are available by request to WRC staff at 251 Causeway Street, 8<sup>th</sup> floor, Boston, MA 02114.*