



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

Meeting Minutes for February 8, 2018

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

Minutes approved June 14, 2018

Members in Attendance:

Vandana Rao, Chair	Designee, Executive Office of Energy and Environmental Affairs (EEA)
Anne Carroll	Designee, Department of Conservation and Recreation (DCR)
Doug Fine	Designee, Department of Environmental Protection (MassDEP)
Hotze Wijnja	Designee, Department of Agricultural Resources (DAR)
Michelle Craddock	Designee, Department of Fish and Game (DFG)
Linda Balzotti	Designee, Department of Housing and Community Development (DHCD)
Thomas Cambareri	Public Member
Kenneth Weismantel	Public Member
Marcella Molina	Public Member
Vincent Ragucci	Public Member

Members Absent

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

Others in Attendance:

Jennifer Sulla	EEA
Sara Cohen	DCR
Marilyn McCrory	DCR
Erin Graham	DCR
Michele Drury	DCR
Vanessa Curran	DCR
Jennifer Pederson	MWWA
Peter Weiskel	USGS
Kate Bentsen	DFG/DER
Gerald Clarke	Dover Board of Health
Karen Pelto	DEP
Duane LeVangie	DEP
Nikhil Selarka	DEP
Andreae Downs	Wastewater Advisory Committee (WAC) to the MRWA
Colleen Heath	CDM Smith

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

Agenda Item #1: Executive Director's Report

- The Interbasin Transfer Act regulations
 - The regulations are at Secretary of State and are expected to be promulgated later this month. Final formatted version will be distributed to this body.
 - Thanks to all the WRC members, stakeholders, staff, and sister agencies that helped deliver the final product. The different policies and procedures around the ITA are now formally in the regulations.
 - Other associated guidance documents will be updated now that the regulations are final.
- Staff will be developing water needs forecasts for Narragansett Bay and Mt. Hope Bay Basins this month. Announcement to appear in the Monitor today.
- State Hazard Mitigation Plan Update
 - Massachusetts will be the first state to integrate a climate adaptation plan with its Hazard Mitigation Plan.
 - The plan will look at how current and future hazards will be affected by climate change, and what actions are necessary in light of those hazards.
 - There have been lots of stakeholder meetings and there will be two upcoming stakeholder workshops the last week of March to solicit feedback on risk analysis on the different hazards covered by the plan. Final dates will be provided at the March WRC meeting.

GENERAL DISCUSSION:

- Weismantel requested an update on the state's actions around the lead and copper rule, noting other states are taking an aggressive approach to eliminating lead service lines and wondering what might be hindering Massachusetts from taking a similarly aggressive approach and whether legislation might help advance action.
 - Rao noted the MWRA funding program for lead service line removal and agreed that a full update would be good on all proactive measures being taken and areas still needing attention.
 - Fine described the following actions in brief, with a plan to provide a more comprehensive update at a future meeting: MWRA offers 0% loans to member communities for lead service line removal. DEP prioritized lead service line replacement under the SRF program. DEP is also continuing to work with any communities that are triggered into lead service line replacement under the lead and copper rule. DEPs Lead in Schools program provided technical assistance to all public schools and daycares that sought help in round one (818) and are providing assistance to 200 more in the second round. Yesterday the Clean Water Trust voted to expand the program to publically funded Head Start and special education programs.
- Clarification sought and provided that the joint Massachusetts Health Officers Association (MHOA)/DEP seminars on municipal preparedness around climate change are a part of the state's larger climate preparedness effort, but are focused at the local level and are separate from the late March workshops on the statewide plan.
- Update from Fine on DEP's requirement to promulgate regulations for installation, inspection, and recertification of irrigation interruption devices.
 - Need to sort out details on certification, timeline, documentation, administration of fees, reporting and enforcement, as well as identify an appropriate certifying body and address issues of property ownership and rights, and enforcement resources and authority.

- The first stakeholder group meeting was convened last week and included municipalities, water suppliers, property owners, state agencies, irrigation contractors. Heard a presentation from Chris Pine of the Irrigation Association. Good discussion, lots of questions and concerns. DEP will meet with the group again in a month and will be looking to other states for examples, but sees serious challenges in other states about certification, enforcement, etc.
- Discussion about private wells led to clarification that the regulations don't distinguish on the basis of water source. Fine agreed it would be good to include a municipality with predominantly private wells in the stakeholder meetings.
- DEP will keep the WRC updated and find out if the regulations need WRC approval.
- Jen Pederson clarified that statute language came from the irrigation industry.
- Cambareri asked whether it was possible to control irrigation systems through a regional device and thereby avoid the need to replicate all technology at the household level.

Agenda Item #2: Hydrologic Conditions Report

Carroll provided monthly report:

- The State has seen a tremendous amount of drought recovery; conditions are essentially back to normal.
- January brought very high precipitation overall during a very variable month, including extreme cold temps and then record flooding and temps as high as 60 degrees.
- Precipitation was at normal level for all drought indices.
- Streamflow was normal or above normal across state.
- Groundwater shows a couple of lingering wells below normal, but indices are all normal.
- All reservoirs that report to DCR are in the normal range.
- US Drought Monitor shows whole state as normal, except a small area in the southeast that is Abnormally Dry (McCrorry reported that area was changed to Normal as of that morning).

(Hydrologic Conditions Report is available at: <https://www.mass.gov/service-details/hydrologic-conditions-reports-0>)

Agenda Item #3: Presentation – ITA Guidance Documents to be Updated

Drury gave a presentation on the supporting documents to the Interbasin Transfer Act regulations, including their status in light of the newly promulgated revised regulations.

- There are many documents that are used for the ITA process, including guidance documents and application materials:
 - Application for Determination of Insignificance
 - Scopes for an Environmental Impact Report (EIR) for a full application
 - Guide Book
 - Performance Standards
- The application for Determination of Insignificance has the most urgent need for update, as this is the area in which the regulations saw the most change. The application needs to be updated to conform with the current metrics, and to distinguish a pathway for very small transfers (less than or equal to 10,000 gpd).

- Other important changes needed are to the Performance Standards, which describe how an applicant will be evaluated under a full review. The substance hasn't changed very much with the revised regulations, but website references and regulation citations need to be updated, and we need to make sure they are compatible with the upcoming revised Water Conservation Standards (WCS), but also set a "higher bar". Drury reminded the Commission that it was previously sued for not setting a sufficiently higher conservation bar than the WCS. The case was settled out of court but underscores the importance of this higher bar.
- There is also a scope for communities applying to MWRA, which will be replaced with a scope for the new regional supplier process.
- Lastly, there is a Guide Book to assist all applicants through the process. This needs updates, especially around the Insignificance section and the regional supplier process, but also to website references, regulation citations, and cross-references to other application materials.
- Work on these updates will be incremental, and revised documents will be brought to the WRC for review as they are completed. Work on the application for Determination of Insignificance will begin next week. The Performance Standards and EIR scopes will be taken up when the Water Conservation Standards are finalized.
- Please send any comments on any of the ITA supporting documents to Rao.

DISCUSSION

- Cambareri noted the Application for Determination of Insignificance asked for instances when flow would be impacted more than the criteria allow and was concerned this implied the criteria could be violated.
- Weismantel asked about developing a list of tasks that the WRC delegates to staff. Rao responded that that would be developed.

Agenda Item #4: Presentation – Updates to the Water Conservation Standards: Recap of Where We Left Off in 2015 and Where We Are Today

Rao provided background on the Water Conservation Standards (WCS). The WRC is the body within the state entrusted to develop water conservation guidance and standards that are not only applicable to its own Interbasin Transfer Act applications but to DEP's Water Management Act, as specified directly in the WMA. That was the genesis of the WCS in the 1990's.

Rao explained that the reason for bringing the document to the Commission at this time was twofold: 1) the Conservation Standards play a key role in ITA guidance documents (currently under revision, as described above); 2) the state is just coming out of a drought and is about to enter another summer watering season. The Commission should be out front with an up-to-date WCS document that reflects, among other things, what was learned during the drought. Rao acknowledged that the Commissioners only received the document three days prior to the meeting and clarified that she does not expect people had time to read it in detail. She reminded people that the WRC, staff, and stakeholders were working on updating the WCS a few years ago and brought proposed revisions to various chapters before the Commission in detail at that time. However, due to the length of time that has gone by and the fact that there are a few new Commissioners, today's plan is to briefly recap the document, its purpose, and the changes that have been made. Next month staff will present a more robust and detailed conversation about individual changes and will provide a redline strikeout.

Presentation by Rao and Carroll (see slides at www.mass.gov/eea/wrc). Key highlights:

- The WCS set statewide goals for water conservation and guidance on water use efficiency. Standards should be adopted in programs and plans by everyone and incorporated into regulatory programs. Recommendations reflect current trends and new thinking and are strongly encouraged, but it is understood that these may take more time to understand, become feasible, and be implemented.
- A review of the timeline of the WCS through its various versions and the most recent revision process, including the work group process. Rao again thanked all work group members.
- Goals of the revision are: reflect current thinking and practices; reference updated technology and national efficiency standards; improve document readability; reflect learning from the most recent drought experience; address public comments.
- Summary of general comments received to date about the process and the document.
- Review of content changes in chapters that received major updates and review of comments received and how they were responded to. Another round of comments on this version is expected.
- Next steps: The WCS will be further detailed at the next meeting and will be available for a 45-day comment period. Staff are also available for questions/concerns at any time. The WRC may vote to adopt the WCS at the April meeting, depending on the number and nature of comments. Staff will provide a report on written comments received, which will be reflected in the WRC meeting minutes. However, Rao does not expect there will be a formal written response to comments document.
 - Pederson requested a meeting in Central MA on the document for water suppliers, who she feels are the key target audience for the WCS and who should be familiar with the document and part of the discussion. She also suggested the vote should not happen as early as April if there are further changes to the document after the March presentation.
 - Ragucci requested staff notice water commissions and boards about the public meetings and the document available for comment. Fine offered the use of DEP's PWS email list for this purpose; notice can be sent to key contacts along with a request to pass it along to local commissioners and boards.
 - Suggestion to also post the information in the Environmental Monitor.

DISCUSSION

- Weismantel requested background information on how well communities are meeting the 10% unaccounted-for water (UAW) standard and whether the audit process is resulting in lower UAW for those going through it. He also suggested maybe we should conduct audits for systems below 10% to learn from them. Key points from ensuing discussion:
 - There has not been sufficient data from systems who have rigorously undertaken the M36 (audit) to generalize the effect of the audits on UAW averages.
 - The M36 audit places high emphasis on the quality of data. Improved record-keeping alone can change the calculated UAW result per the DEP definition, which does not necessarily reflect an improvement or decrease in actual losses, but a better sense of what is going on.
 - Data validity scores have generally increased with the communities that DEP has worked with to undertake audits, and from there, DEP is better able to direct the PWS toward remediation of losses, whether they are "real" or "paper" losses. Generally it takes a few years to get high enough data validity scores to know where to focus efforts.

- DEP is using the audit process for those not meeting the 10% UAW standard. The agency does not want to impose on those who have been compliant with that standard. In the future, the state may want to move everyone toward accounting for all losses in their systems but is working to gain knowledge about the M36 through incremental steps.
- A representative from Dover Board of Health described working closely with a small PWS that serves Dover, along with the town's streets department. By documenting the location of observed main breaks by the streets department, the PWS went from 15% to 3% UAW. This led to a discussion of the role that "confidently estimated municipal use" plays in the calculations of UAW and knowing what types of estimates are permitted to be subtracted from the unaccounted-for volume is an evolving process.
- Question about whether private wells or small community systems (not permitted) are required to be metered within the Standards. Response: There is no standard for those users, but the recommendations apply.
- Discussion about the frequency of residential meter replacement. Replacement schedule is dictated by the type and specification of the meters, but it can be difficult to replace on an adequate schedule because suppliers can't get people at home for replacement.
- Suggestion to include a second pie chart in Chapter 5 (Residential Water Use) that addresses the percent of residential use that is outdoor water use and summer use in particular.
- Suggestion to connect water efficiency devices to the MassSaves home audits program, recognizing that water treatment and delivery use so much energy. The connection between water conservation, water bills, energy bills, and energy use should be made more explicitly. Rao stated staff would follow up on that.
- Discussion about the authority to regulate private wells at the local level. Some towns have successfully implemented bylaws, while Dover has been sued for attempting this. The WCS provides some guidance and case studies.
- Suggestion to emphasize and distribute Appendix J (State Drought Guidance on Outdoor Watering Restrictions) to all suppliers.

Meeting adjourned 3:03

Documents or Exhibits Used at Meeting:

1. January 2018 Hydrologic Conditions Report
2. Correspondence:
 - a. From Drury to Avalon Bay Co., concerning required annual reporting under ITA approval
 - b. From Drury to Dedham-Westwood Water District, concerning required annual reporting under ITA approval
 - c. From Drury to Natick Water Dept., concerning required annual reporting under ITA approval
3. Interbasin Transfer Guidance Documents at: <https://www.mass.gov/service-details/ita-application-materials>
4. Interbasin Transfer Act project status report, 24 January 2018
5. Presentation by A. Carroll, DCR and V. Rao, EEA: Updates to the Water Conservation Standards

Compiled by: SIC

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.