



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

Meeting Minutes for March 19, 2018

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

Minutes approved June 14, 2018

Members in Attendance:

Vandana Rao	Director of Water Policy, 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)
Hotze Wijnja	Designee, Department of Agricultural Resources (DAR)
Michelle Craddock	Designee, Department of Fish and Game (DFG)
Todd Callaghan	Designee, Massachusetts Office of Coastal Zone Management (CZM)
Vincent Ragucci	Public Member
Kenneth Weismantel	Public Member
Bob Zimmerman	Public Member

Members Absent:

Thomas Cambareri	Public Member
Marcela Molina	Public Member

Others in Attendance:

Kerry Snyder	Neponset River Watershed Association
Marilyn McCrory	DCR
Gabby Queenan	Massachusetts Rivers Alliance
Vanessa Curran	DCR
Viki Zoltay	DCR
Michele Drury	DCR
Lexi Dewey	Water Supply Citizens Advisory Committee
Liz Walk	Office of Rep. Carolyn Dykema
Andreae Downs	Wastewater Advisory Committee
Jennifer Sulla	EEA
Jen Pederson	Massachusetts Water Works Association
Sara Cohen	DCR
Eric Hooper	Town of Sharon Water Dept.
John Scannell	DCR
Colleen Heath	CDM Smith
Chris Woodcock	Woodcock & Associates, Inc.
Stephen Estes-Smargiassi	MWRA
Lynn Gilliland	USEPA

Rao called the meeting to order at 1:04 p.m.

Agenda Item #1: Executive Director's Report

Rao stated she was happy to see some snowpack on the ground. She gave an update on the Drought Management Task Force meeting that was held the week prior. MA's drought management plan continues to be updated, particularly the indices. The draft update is in the process of being written with plans to complete it in the next three months.

Agenda Item #2: Hydrologic Conditions and Drought Update

Zoltay provided an update on the hydrologic conditions for February 2018. She reported that in Boston it was the warmest February on record, and the second warmest in Worcester. Precipitation was above average in all regions for the first time since October. Precipitation indices are recovering going back to the 3, 6, and 12 month lookback periods. Streamflow was at or above normal for all gages in all regions. The Central, Connecticut River, and West regions experienced flows above the 90th percentile. For groundwater, only 4 wells remain below normal, and no wells are below the 10th percentile. All reservoirs remain normal. The U.S. Drought Monitor does not show any drought conditions in MA. The NOAA forecast predicts above normal temperature and precipitation for March, and over the three month outlook there is no drought expected.

Agenda Item #3: Vote on the Meeting Minutes of January 2018

Rao invited a motion to approve the meeting minutes for January 11, 2018.

V	A motion was made by Ragucci with a second by Weismantel to approve the meeting minutes for January 11, 2018.
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Agenda Item #4: Presentation on the Revised Water Conservation Standards

Rao explained that the Water Resources Commission has historically established water conservation standards. The first standards were issued in 1992 and the last substantial update occurred in 2006. There was a fairly detailed presentation on the updated draft standards at the last WRC meeting. Public comments will be accepted through March 23rd, 2018. Today there will be an opportunity to go through the standards in more detail. Rao gave the option of going through the presentation again or diving into making comments. It was decided to go through the comments chapter by chapter.

Rao gave a brief background of the WCS for newcomers in the audience. The standards set statewide goals for water conservation and use, and provide technical guidance and education. Standards are best practices and recommendations are trends in the industry. The bulk of the changes were made to the metering, water audit, residential, outdoor watering, pricing, and agriculture chapters.

The Standards were then reviewed by chapter, with Commission and audience members making comments and suggestions.

Introduction

Weismantel: page 5, second paragraph, standards represent best practices, "they 'should' be adopted by water suppliers and water users, as applicable, wherever possible." If it's a standard,

should it say “shall” instead of “should”? Also “wherever possible” in a standard seems problematic.

- Response: Rao: wherever possible means as applicable. We can look at the language where it says “wherever possible”. Sulla: regarding the use of “shall”, legally these standards in themselves do not have regulatory authority, but can be implemented through other regulatory programs. Drury: they should be implemented by everyone but we don’t have authority to force it to be done unless it’s in a WMA permit or IBT approval. Rao: Weismantel’s point is noted.

Weismantel: at bottom of page 5, looking for more information on how well towns are doing on 65 RGPCD and 10% UAW. Are we putting together standards that most suppliers are able to meet? Before he can confirm these as the standards, he would like information to know how communities are faring. No change needed to language in document, but would like to see data before vote.

- Response: Levangie: this information is posted on DEP website annually. Rao requested that DEP provide data and information to the Commissioners at a future meeting.

Dewey: Are copies of the WCS sent to each town in state so towns are aware?

- Response: Rao: they are available online, and staff aim to let people know as widely as possible. WRC doesn’t have a budget to print but can look into it. DEP typically sends out newsletters to all water suppliers so can include information on WCS and where to find the full version.

Hooper: Request that the WCS also be sent to private and non-profit organizations.

- Response: Rao: yes.

Chapter 2 – Water Loss Control

Weismantel: on pg. 16 - the 10% UAW number is critical especially how it’s being used in WMA permits. There are some unintended consequences such as delaying construction in a town because the town wasn’t meeting the 10% UAW standard. In addition, when a town is bumping up against their WMA permit limits, they may have to turn development away, which has economic consequences. A water department should be concerned about UAW because that is lost revenue, but the other consequences should be accounted for.

- Response: Carroll: Please clarify if there are specific changes you want to see in the language. Sounds like Weismantel is asking for flexibility which was incorporated into the standards – staff have shifted emphasis to comprehensive water loss control program, while acknowledging that it takes time and resources to move toward it. Put in caveats because of difficulty meeting this standard. Rao: the phrase “demonstrate steady progress toward meeting” was meant to provide flexibility. Drury: WRC staff can complete an interim assessment of the water needs forecast for any community not meeting the standard to figure out what development is coming in, and give them a multi-year window to meet or demonstrate steady progress toward meeting the standard.

Pederson: Share some of Weismantel's concerns of this being a standard, suggest it would be better as a recommendation. Not a good efficiency metric. At a minimum, suggest to mirror what DEP has done and put functional equivalence language in this paragraph. Will include this comment in her written comments.

- Response: Rao acknowledged the comment.

Hooper: Applaud functional equivalence because 10% is not appropriate metric. A quantity of UAW will meet a permit requirement but if you pump less the same volume will no longer meet the 10% permit requirement. If anything the UAW volume should be 10% of what your permit allows you to pump, so you would know if you're in compliance.

- Response: Rao acknowledged the comment.

Pederson: This is improved over the 2006 version, more flexibility allowed, shifted to M36 approach.

Zimmerman: the #1 cause of water loss is sewer systems (in communities that have them). Groundwater infiltration and rain water is getting treated as wastewater. Look at structural system loss as water supply plus loss from the sewer system. Need to address inflow and infiltration.

- Response: Carroll: there is I/I guidance from DEP. Cohen - refer to Chapter 1 (page 11) for discussion on I/I. Rao: staff can look at it.

Queenan: Mass Rivers Alliance feels strongly that the 10% UAW should remain a standard. Understand there needs to be flexibility but it's important water to keep track of because of lost revenue and if UAW can be minimized then less water needs to be drawn from sources.

- Response: Rao acknowledged the comment.

Chapter 3 – Metering

Weismantel: #4 in standards, page 20, sealing all metering systems and periodically inspecting – does not believe this is not done. Should this be a standard?

- Response: Levangie: there are a number of systems that do conduct this work.

Weismantel: under recommendations in the billing section, consider a recommendation for seasonal billing. Institute a higher rate in the summer to pay more in times of higher demand. Suggest billing seasonally.

- Response: Rao: this is discussed in the Pricing chapter.

Weismantel: pg. 21 smart metering is where things are going in the future. This should be emphasized more, it allows customers to be aware of leaks on their side, helps with UAW. With smart meters the return on investment is fairly high.

- Response: Rao: do you want us to strengthen the language about benefits of smart metering? Weismantel: yes. Carroll: could we change the recommendation to say "strongly consider"? Staff will look at it.

Pederson: suggest calling it advanced metering technology instead of smart metering. Also suggest moving the information on billing to Chapter 4 – Pricing, as it's in both places (chapters 3 and 4).

- Response: Cohen will look at the language on billing more carefully; different aspects of billing are emphasized in different chapters. There are billing practices associated with metering, and billing practices associated with price signals. Billing associated with metering is in this chapter. Carroll/Rao: staff will look at finding a way to refine what's included to make it more relevant to this chapter.

Chapter 4 – Pricing

Woodcock: Reiterating a prior comment from 2 years ago about recommendations vs. standards. Commonwealth of MA is a good example of a state trying to do something about climate change in the U.S. Using price signals to reduce inefficient and nonessential use, first recommendation on page 25 – change it to a standard.

- Response: Carroll: we received feedback on both sides (recommendation vs. standard). Cohen: the workgroup and many comments support it being a standard. However there was consideration given to the implementation feasibility of this being a standard and the appropriateness of it given state's role with regard to pricing, which is an individual activity at the community level. There is limited ability to determine if it is met or not. There has been much discussion and debate on this one. Levangie: DEP had reservations on implementation as a standard given staffing levels. Rao: WRC staff don't have the expertise to determine if rates are effective or if they serve the purpose of reaching goal to reduce water use. Struggled with how to gauge the effectiveness. Rao acknowledged the comment.

Woodcock: It's different to say it should be a standard vs. figuring out how to address it. Moving from standard to recommendation is disappointing. Has plenty of examples of MWRA communities where the increasing block rate law is not enforced, does that mean the law should disappear? Not having the ability to do it so "giving up on it".

- Response: Carroll: WRC staff did not give up on it, took on projects to go in this direction through a non-regulatory mechanism. Completed a rate survey to identify challenges facing communities and figure out how to best support communities. Have worked to identify what the needs are and what the resources are. Levangie: DEP has a grant to fund these types of studies. Unfortunately there are implementation issues. Cohen would like to have a conversation with Woodcock about the possibility of developing a tool that could help define whether a rate is appropriate for setting a price signal.

Hooper: Obvious conflict with increasing block rate structure is full cost recovery - marginal water (what you're trying to cut back on) is the most expensive and therefore has direct impact on revenue. Full cost recovery should be the standard as it is a business. If you can't cover the cost of business then you will go out of business. The secondary issue is conservation pricing but first and foremost a revenue stream is needed to cover infrastructure and the cost of doing business.

- Response: Rao: Why are they in conflict? Can still get enough revenue to cover fixed costs each year. It's being done in the energy industry.

Hooper: as a public entity you cannot generate revenues you are not expecting to expense. Still have to present what you are going to expend. Cannot bank money.

- Response: Cohen: this chapter recommends long term budgeting/planning that builds up reserve funds that are not designed to be a profit.

Pederson: Appreciate commission rethought this as a standard, felt strongly it should be a recommendation. Rate setting is very individual per community. Innovative things are happening with capital improvement rates. Problematic if it were to be a compliance metric. Permitting is bound to outdoor use restrictions on the permits which takes away some of the large vagaries on the seasonal use.

- Response: Zoltay proposed that rate setting and demand projections can be done at the same time. Carroll: WRC not involved with rate setting, only the demand. Cohen: there are many examples of how to cover costs while conserving water.

Woodcock: full cost recovery is not incompatible with conservation (e.g., MWRA).

Chapter 5 – Residential Water Use

Weismantel: Suggest adding an additional standard to replace all lead service lines, so the water lines don't have to be flushed prior to use.

Estes-Smargiassi: Good recommendation for communities trying to reduce total water use. Customers with lead lines are told to flush their lines. Not necessarily a standard but could be another approach.

Rao: Based on MWRA communities how much of an issue is this? Estes-Smargiassi: in the MWRA service area 4-8% of service lines are lead so maybe 5-10% of customers are told to run water, maybe more in older communities.

- Response: Carroll: where would it best fit if we included it? Estes-Smargiassi suggested Residential Water Use. Staff can take a look at it.

Pederson: Suggest waiting for lead and copper rule revisions

- Response: Carroll: WRC staff do not have expertise regarding lead and public safety. Rao: we are not commenting on water quality issue, just that water is lost due to flushing. Staff will look at the possibility of including language and finding an appropriate spot to include any language.

Craddock: Figure 5-1 only highlights indoor water use and does not highlight summer/outdoor use. Highlight summer/winter water ratio in this section or section on outdoor water use.

- Response: Rao proposed working with Craddock to pull in suitable info and graphics. Carroll/McCrory: there is some info in outdoor water use section (on pg. 43, #10). Lots of variations between communities so it's hard to set a target. Staff will look at where this information could go.

Ragucci: In recommendations, #10 (pg. 30), suggest having a stronger alignment with Mass Save program. 80,000 Mass Save audits done per year, would be a good opportunity to reach a lot of people.

- Response: Rao acknowledged the comment.

Ragucci: there is a yet-to-be-filed piece of legislation, “energy scorecard”, that would be a great opportunity to put in water conservation piece. Objective is to set baseline for all homes in Commonwealth

- Response: Rao will have a conversation with others at EEA and look at this.

Chapter 6 – Public Sector

Weismantel: this is the shortest chapter. We are telling others what to do but don’t give ourselves the same guidelines. State facilities should be more judicious with water use.

Callaghan: Expand definition in #1 to include more than just buildings.

- Response: Rao asked if Weismantel wants staff to add something under standard 3, along the lines of state facilities should be examining large uses of water? Staff will look into working on the language to highlight judicious use of water, and look at expanding the definition of “buildings” to include facilities and/or properties.

Chapter 9 – Outdoor Water Use

Queenan: page 41, #4, is it necessary to keep “where warranted” in front of “those with private wells”? Look at what DEP put into outdoor water use bylaw. Where warranted makes it seem that private wells are not having an impact on water supply.

- Response: Rao: not all communities have private wells, which is what the intent of “where warranted” was. Staff will take a look to see if there is another way to say it.

Woodcock: curious about standard for private wells, who is responsible for enforcement? How would anyone know if a private well owner was wasting water? It seems difficult for municipalities to regulate/enforce outdoor water use restrictions with private wells. Change it to a recommendation?

- Response: Carroll: the standard is for enacting a water use bylaw. It leaves a choice to include private wells or not. Already removed language to fully enforce the bylaw based on previous comments. The enforcement is difficult but still should be attempted.

Hooper: The problem is it’s a standard which must be adhered to for the purposes of being in compliance with a permit. Water department is responsible for bylaw/enforcement.

- Response: Rao: the onus is also on the city/town since the permit goes to both the water department and the city/town.

Chapter 10: Public Education and Outreach

Gilliland: emphasize EPA Water Sense program more. There are a lot of materials available for water suppliers and communities.

- Response: Rao: we can look into adding a call-out box that talks about Water Sense, community partnering, and the materials available.

Appendices

Pederson: Appendix J is new. Not sure it should be prescriptive on the outdoor water use restriction piece in this document. Suggest that it should be included in the Drought

Management Plan, not the WCS. Perhaps reference drought plan instead of including as an Appendix.

- Response: Rao: it will be in the Drought Plan as well. This is saying that during a drought people should be extremely conservative with water use. We could also take out the nomenclature for the drought levels (Advisory etc.).

Hooper: Why are drought level 3 and drought level 4 listed separately since they have the same restrictions?

- Response: Rao: they could be combined to say drought level 3 and up.

Meeting adjourned, 3:25 p.m.

Documents or Exhibits Used at Meeting:

1. Minutes from the January 11, 2018 Water Resources Commission Meeting
2. Draft Revised Water Conservation Standards, available from:
<https://www.mass.gov/massachusetts-water-conservation-standards>.
3. Correspondence: From Michele Drury to Foxborough Water Department, concerning required annual reporting under ITA approval
4. Notice of availability: Water Conservation Standards
5. Notice: Development of Water Needs Forecasts for the Narragansett Bay and Mt. Hope Bay Shore basin
6. Interbasin Transfer Act project status report, 21 February 2018
7. February 2018 Hydrologic Conditions in Massachusetts
8. Summary of Proposed Updates to the Massachusetts Water Conservation Standards, February 2018 (available at <https://www.mass.gov/files/summary-of-changes-to-water-conservation-standards-2018.pdf>)

Compiled by: VC

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