



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

Meeting Minutes for August 8, 2013

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

Minutes approved September 12, 2013

Members in Attendance:

Vandana Rao	Designee, Executive Office of Energy and Environmental Affairs (EEA)
Marilyn Contreas	Designee, Department of Housing and Community Development (DHCD)
Jonathan Yeo	Designee, Department of Conservation and Recreation (DCR)
Rebecca Weidman	Designee, Department of Environmental Protection (MassDEP)
Michelle Craddock	Designee, Department of Fish and Game (DFG)
Raymond Jack	Public Member
John Lebeaux	Public Member
Paul Matthews	Public Member

Members Absent

Gerard Kennedy	Designee, Department of Agricultural Resources (DAR)
Todd Callaghan	Designee, Massachusetts Office of Coastal Zone Management (CZM)
Thomas Cambareri	Public Member
Bob Zimmerman	Public Member

Others in Attendance:

Jennifer Pederson	Mass. Water Works Assn.
Bruce Hansen	DCR
Marilyn McCrory	DCR
Jim McGovern	Irrigation Assn. of New England
Linda Hutchins	DCR
Michele Drury	DCR
Anne Carroll	DCR
Duane LeVangie	MassDEP
Ann Lowery	MassDEP
David Ferris	MassDEP
Andreae Downs	Wastewater Advisory Committee
Lexi Dewey	Water Supply Citizens Advisory Committee
Pam Heidell	Mass. Water Resources Authority
Alison Bowden	The Nature Conservancy
Eric Hooper	Town of Sharon
Erin Graham	DCR
Peter Weiskel	U.S. Geological Survey

Rao called the meeting to order at 1:00 p.m.

Agenda Item #1: Executive Director's Report

Hansen provided an update on the hydrologic conditions for July 2013. July rainfall was about normal across the state, with most rainfall occurring during the last third of the month. Groundwater levels were generally normal to above normal statewide, with the exception of Cape Cod and the eastern part of the state, which recorded all-time high levels. Streamflow ranged from normal to much above normal. Reservoirs report generally normal percent-full levels for this time of year. Drought indicators show no drought conditions in the state, and no drought conditions are forecast through October.

Agenda Item #2: Vote on the Minutes of June 2013

Rao invited a motion to approve the meeting minutes for June 2013.

V	A motion was made by Yeo with a second by Weidman to approve the meeting minutes for
O	June 20, 2013.
T	The vote to approve was unanimous of those present.
E	

Agenda Item #3: Update: MassDEP Regulatory Reform proposals: Update on Revisions to Water Quality Regulations

Rao said that MassDEP has been engaged in a regulatory reform process intended to streamline regulatory requirements, while still meeting regulatory obligations. She noted that MassDEP had summarized proposed changes to wastewater-related regulations for the Water Resources Commission at several previous meetings (*Ed. note:* see minutes of June and December 2012 on the WRC website at <http://www.mass.gov/eea/air-water-climate-change/preserving-water-resources/partners-and-agencies/water-resources-commission/ma-water-resources-commission-meetings.html>). She introduced Ann Lowery and David Ferris of MassDEP.

Lowery provided an overview of the regulations being reviewed, which include regulations related to Title 5, sewer connections and extensions, operator certification, operation and maintenance, land application of wastewater sludge, permitting procedures, and surface water quality standards. She noted that MassDEP received public comments from March 1 through May and is reviewing and evaluating comments received. She outlined the internal approvals needed – including those from MassDEP, EEA, the governor’s office, and Office of Administration and Finance – before MassDEP can bring the final regulations to the Water Resources Commission for a vote.

Ferris briefly described the changes being proposed and highlighted comments received on the seven wastewater regulations. He said about thirty comments had been received, and most comments addressed changes to the sewer permitting regulations.

Heidell expressed concern about a proposed change of the design storm standard from the one-year, 6-hour storm to the five-year, 24-hour storm (in the regulations at 314 CMR 12.00). Ferris clarified that the regulations provide some flexibility for communities that have an existing infiltration/inflow plan; communities will be able to submit their plans, and DEP will evaluate whether they are adequate. Matthews requested clarification. Ferris noted that I/I requirements are based on a 1993 guidance document, and MassDEP has committed to working with an advisory group on how I/I plans will be evaluated. He added that this work will begin after the regulatory reform packages are completed in fall 2013.

Matthews requested that a written synopsis be provided at future meetings to help commission members understand which regulations are being revised. Lowery noted that the summary

presented at a previous commission meeting could be found on the commission's web site (see link above). Ferris added that once regulations have completed the internal approval process, MassDEP will provide a summary of changes along with a redline-strikeout version of the changes.

In response to a question from Yeo, Ferris confirmed that MassDEP will continue to be able to maintain moratoria on sewer connection permits, and he clarified when MassDEP can intervene.

Agenda Item #4: Update: Sustainable Water Management Initiative

Rao noted that the Sustainable Water Management Initiative (SWMI) Framework document had been released in November 2012, and agency staff have been adding detail to items in the framework and working on updating the Water Management Act regulations. She introduced Duane LeVangie of MassDEP to provide an update.

LeVangie noted that numerous comments had been received on the draft Framework, and these are posted on EEA's SWMI website (available at <http://www.mass.gov/eea/air-water-climate-change/preserving-water-resources/sustainable-water-management/>). He added that staff are reviewing comments on the final Framework and meeting with members of the SWMI pilot advisory committee to obtain input on draft guidance that is being developed. Comments will be addressed through the regulatory process.

LeVangie provided an update on the SWMI pilot projects. The Phase 1 report was published in August 2012, the Phase 2 draft report in December 2012, and the final Phase 2 summary in June 2013. LeVangie explained that the pilot projects were helpful in understanding the permitting tiers and how these fit into the permitting process and in refining how credits for mitigation would work.

LeVangie also provided an update on the SWMI grants. Approximately nine hundred thousand dollars was awarded in March to ten public waters suppliers. Most of the projects were planning projects, and one involved implementation (improving fish passage). Summaries will be posted on MassDEP's web site (at <http://www.mass.gov/eea/docs/dep/water/resources/n-thru-y/swmisummary213.pdf>). MassDEP plans to offer the same grant program in fiscal year 2014. LeVangie summarized the eligibility requirements.

LeVangie summarized ongoing work, including development of a permitting tool using key SWMI statistics, which will be posted on MassDEP's website in the coming months, and several studies with the U.S. Geological Survey, including a two-year reservoir study; a study of groundwater systems in southeastern Massachusetts, Cape Cod, and the Islands, to inform how SWMI may be applied to permitting in those areas; and a three-year impervious cover study.

He summarized the status of revisions to the Water Management Act regulations to reflect the SWMI framework. He noted that DCR and DFG are actively involved in this process. MassDEP expects to release draft regulations for public comment in the October-November 2013 time frame. He added that Water Management Act regulations must be voted on and approved by the Water Resources Commission, and a presentation on the draft regulations can be expected in November or December 2013, with a final vote by the commission to take place in spring 2014.

LeVangie also provided an update on the status of Water Management Act permits, all of which had been extended by the Permit Extension Act. He noted that permits in the South Coastal Basin will expire first, in 2014, with approximately 150 permits to be renewed over the next two

years. He added that DCR will be producing a significant number of water needs forecasts in this period. He described an extensive public process that is envisioned in order to inform stakeholders about SWMI and permit requirements, with a public outreach meeting taking place approximately eighteen months before permits expire.

Rao acknowledged diligent work by staff in all the environmental agencies as well as stakeholders who have remained committed to the work for many years.

Matthews noted that one of the four communities who participated in the SWMI pilot projects, the town of Shrewsbury, had submitted detailed comments on its pilot in fall 2012. He asked what the outcome of those comments was and if the town had received a response. LeVangie responded that MassDEP plans to respond to all comments on the SWMI Framework and pilots in one bundled response. Matthews acknowledged the challenge of responding to a high volume of comments, but suggested that the town, as one of the four pilot communities, should receive a response. LeVangie clarified that all the pilot communities were sent the summary report on the pilots, along with a letter thanking them for their participation and active involvement in the process. He added that MassDEP had met with Shrewsbury five times after the town submitted comments, as part of the SWMI consultation process, but that MassDEP had not resolved the issues the town raised at the end of the pilot process. He added that some issues raised by the town will be addressed in their WMA permit, since MassDEP is currently reviewing the town's permit application. Rao suggested that a communication with the town would be appropriate, to acknowledge their comments and brief them on the status of a response to the issues raised.

In response to a question from Pederson about the schedule for the 2014 SWMI grants, LeVangie said the grant program would be announced in September 2013. Pederson also asked if the scope of the proposed USGS reservoir study could be made available. Weiskel offered to forward the scope. Pederson asked if stakeholders outside the state agencies could be given an opportunity for input before the scope of studies is finalized. She expressed concern about the potential for "water wars" that may result from pending regulatory changes, as withdrawals by upstream communities may affect communities downstream. Rao responded that scopes of work for most studies are defined in part by the budget and time available, but that EEA would take Pederson's comment under consideration.

Jack expressed concern about mitigation requirements in the SWMI process and requested a summary of the pilot studies and their final outcomes. He also expressed concern that communities are not well informed about how SWMI will be applied, and that a summary of key issues be provided. Pederson requested that the public comment period on the WMA regulations be extended to sixty days, noting that it will take communities some time to digest all of the information. LeVangie responded that an educational component is being considered as an accompaniment to the traditional public comment process. Lowery acknowledged the complexity of the issues, but noted that the need to renew permits starting in 2014 will be a driver in the schedule.

Meeting adjourned, 1:50 p.m.

Documents or Exhibits Used at Meeting:

- WRC Meeting Minutes for June 20, 2013
- Correspondence dated July 17, 2013, from MassDEP to Foxborough Water & Sewer Department regarding Public Water Supply Water Emergency Declaration and Order

- Correspondence dated July 7, 2013, from Hoosic River Watershed Association to Kathy Baskin, EEA, regarding support for USGS Stream Gages and Observation Well Network
- Interbasin Transfer Act project status report, July 24, 2013
- Current Water Conditions in Massachusetts, August 8, 2013
- Reports on the SWMI Framework, public comments, and pilot projects are available at <http://www.mass.gov/eea/agencies/massdep/water/watersheds/sustainable-water-management-initiative-swmi.html>
- 2013 SWMI grants announcement: available at <http://www.mass.gov/eea/pr-2013/swmi-grants.html>

Agendas, minutes, and meeting documents are available of the web site of the Water Resources Commission at <http://www.mass.gov/eea/air-water-climate-change/preserving-water-resources/partners-and-agencies/water-resources-commission/ma-water-resources-commission-meetings.html>.