



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

Meeting Minutes for September 13, 2012

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

Minutes approved October 11, 2012

Members in Attendance:

Richard Sullivan	WRC Chair; Secretary, Executive Office of Energy and Environmental Affairs (EEA)
Kathleen Baskin	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)
Ann Lowery	Designee, Department of Environmental Protection (MassDEP)
Gerard Kennedy	Designee, Department of Agricultural Resources (DAR)
Tim Purinton	Designee, Department of Fish and Game (DFG)
Raymond Jack	Public Member
Paul Matthews	Public Member
Bob Zimmerman	Public Member

Members Absent

Thomas Cambareri	Public Member
John Lebeaux	Public Member
Joseph E. Pelczarski	Designee, Massachusetts Office of Coastal Zone Management (CZM)

Others in Attendance:

Michele Drury	DCR
Erin Graham	DCR
Janet Moonan	Woodard & Curran
Bruce Hansen	DCR
Rosemary Blacquier	Woodard & Curran
Peter Weiskel	U.S. Geological Survey
Sara Cohen	DCR
Vandana Rao	DCR
Jennifer Pederson	Mass. Water Works Assn.
Michelle Craddock	DFG/ Div. of Ecological Restoration
Laila Parker	DFG/ Div. of Ecological Restoration
Linda Hutchins	DCR
Marilyn McCrory	DCR

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

Baskin introduced Richard Sullivan, Secretary of Energy and Environmental Affairs. Sullivan thanked all commission members, on behalf of the governor, for their service on the Water Resources Commission. He noted that the Water Resources Commission is one of the oldest and most active commissions in the commonwealth. He acknowledged the technical expertise and

commitment of commission members to issues related to water resources. He added that significant progress has been made on the work related to sustainable water management, and that EEA would be relying on the commission's expertise as that work concludes.

Sullivan then welcomed and introduced two new commission members: Paul Matthews, Executive Director of the 495/MetroWest Partnership, and Raymond Jack, Director of the Department of Public Works for the town of Falmouth. Sullivan noted the expertise Matthews brings to the commission on issues related to economic development and its impact on water resources. He noted the multidisciplinary and on-the-ground expertise Jack brings to the commission on managing water, wastewater, and stormwater issues at the local level. He also commended Zimmerman for nearly 25 years of service to the commission.

Baskin requested a change in the order in which meeting agenda items will be considered.

Agenda Item #1: Presentation: Request for Determination of Insignificance under the Interbasin Transfer Act for the Lost Lake Sewering Pond Project, Groton

Baskin reviewed commission procedures on voting.

Drury acknowledged the town of Groton's consultants, Janet Moonan and Rosemary Blacquier of Woodard & Curran. Drury briefly reviewed the purpose of the Interbasin Transfer Act, which regulates transfers of water and wastewater across major river basins of the commonwealth, as well as to and from the ocean, known as the Massachusetts Coastal Basin. She noted that the act is designed to protect the resources of the donor basin.

She explained that the Groton application is a request for determination of insignificance (RDI) under the Interbasin Transfer Act. Such requests involve transfers under one million gallons per day (mgd) and must comply with criteria related to impacts on the environmental resources of the donor basin. She explained that the application was submitted as part of a comprehensive wastewater management plan filing with the Massachusetts Environmental Policy Act office. She explained that the MEPA process is complete, and the next step is a decision on the Interbasin Transfer Act request. She noted there are statutory timelines associated with RDI decisions, and the commission must vote on the request at its October meeting.

Drury reviewed the Groton application, which involves the transfer of wastewater from the Merrimack River Basin across both a town line and basin line to the Ayer wastewater treatment plant in the Nashua River Basin. She provided background on the project, explaining that the town is proposing a sewer district for the Lost Lake residential development and the Four Corners commercial area to address problems with septic systems. Investigations determined that the area is not suitable for septic system upgrades, and no suitable sites were found for a groundwater discharge facility. The sewer district will limit the areal extent of sewerage and restrict wastewater flow to 0.36 mgd. The town has committed to working with the lakes associations to implement voluntary outdoor water-use restrictions for residents on private wells. Meters will also be installed on private wells in all residences being seweraged.

Hutchins reviewed technical details of the proposed transfer and explained why other alternatives were not feasible. She outlined the staff recommendation for approval, noting that the project, as proposed, satisfies four of the six criteria for insignificance. She reviewed each of criteria, focusing on conditions needed to satisfy two criteria related to streamflow impacts to the donor basin. She explained that flow augmentation from a dam management plan will allow the proposed transfer to meet these criteria.

Hutchins explained how the flow system works, adding that the concern is with the impacts of flow that will be removed from the donor basin. She described the instream flow evaluation, which used the USGS's Sustainable Yield Estimator tool to estimate unimpacted natural flows that would have existed at the outlet of Lost Lake if the dam were not present and there was no development. The analysis indicated that significant impacts of the proposed transfer would occur during low-flow periods.

However, she noted that the Interbasin Transfer Act allows consideration of flow augmentation to protect instream flows and mitigate the impacts of the transfer. Hutchins explained that the town assumed control of the dam on Lost Lake, giving it the authority to manage the dam and releases needed to keep downstream flows within a natural-flow-regime range. She summarized the dam management plan for flow releases by month.

There was some discussion among Purinton, Yeo, Hutchins, and the town's consultants about how the dam management plan represents a change from current practices. Hutchins noted that releases for the lake's fall drawdown will be done gradually rather than as one spike. Zimmerman asked how competing demands for water during a drought will be balanced. Hutchins explained that the dam management plan includes a detailed listing of lake levels and required actions as lake levels drop. She added that the drought flow release would be equivalent to the average-day wastewater transfer.

Zimmerman cautioned that the town and the commission should have a plan in place to manage conflicts over recreational, water supply, and instream flow demands for water. Hutchins responded that a water conservation plan will help to preclude those conflicts by reducing demand for outdoor watering. Blacquier explained that there are town-wide concerns about the public water supply and water quality in the lake. She described the town's outreach efforts over the past five years.

Purinton commented that, in order for the commission to make a decision on whether the proposed transfer meets the criteria for insignificance, the town needs to provide assurances that plans are in place to meet the conditions for approval. Hutchins outlined the "project as proposed," which includes the dam management plan, flow monitoring and lake level monitoring (both pre- and post-sewering), outdoor watering restrictions, and annual reporting to the commission. Drury added that an approved plan will probably not be in place by the October 2012 deadline, but the decision will include a requirement for WRC approval of a final plan at a later date.

Jack suggested, for future consideration and discussion, that well injectors be considered as an alternative method of wastewater discharge. He discussed the benefits of this method, including taking advantage of treated wastewater as a resource. He added that the character of the discharge must be considered, as well as soils and subsurface geology. He clarified that he had no objection to the town's proposal. Baskin expressed an interest in further discussion of well injection.

Hutchins continued discussion of the dam management plan, which will provide a seasonally appropriate range of flows to the river. She summarized the recommendation for approval of the project as proposed, noting that it will improve existing flow conditions, provide for outdoor watering restrictions to maintain instream flows, and improve water quality.

Pederson asked if the monitoring data will be compared to data from the Sustainable Yield Estimator tool. Hutchins explained that the pre-sewer monitoring will not provide data on unimpacted flows, noting that the SYE is the best tool for estimating what unimpacted flows look like. The town will provide annual reports of the lake levels and releases made in accordance with the dam management plan. WRC staff will review the annual reports to assess compliance with the dam management plan releases.

Contreas asked how many homeowners belong to the lakes associations and expressed concern about the effectiveness of conditions placed on voluntary organizations. Blacquier offered to follow up with Contreas on the number of homeowners. Baskin responded that the town will be responsible for dam management, and the effectiveness of the conservation plan will depend on outreach and education. Contreas suggested a careful look at the wording of conditions in this regard.

The consultant thanked commission staff for their expertise and assistance through the application process.

Agenda Item #2: Executive Director's Report

Hansen provided an update on the hydrologic conditions for August 2012. He reported that statewide rainfall was 127 percent of normal, with all regions of the state recording above-normal rainfall. He provided an update on tropical storms for the season, noting that it has been an active season, with fourteen named storms and five hurricanes. Only one of these affected the New England region, providing much-needed rainfall. Groundwater levels across the state were normal, except in the western region, where groundwater levels were below normal. Streamflows statewide were in the normal range, except in the southwestern part of the state, where streamflows in the Housatonic River Basin were below normal. Reservoirs reporting data were in the normal to slightly below normal range. Hansen also reported on various drought indices. The Drought Monitor indicates the entire state remains abnormally dry. The values for the Standardized Precipitation Index are in the normal range. The Drought Outlook indicates no tendency for drought conditions to develop in Massachusetts through November 2012.

Baskin provided an update on the Sustainable Water Management Initiative (SWMI). She said that a draft report on the effort to pilot the permitting methodology for sustainable water management in four communities has been completed and is being circulated to participants. She added that a scope of work for Phase Two of the piloting effort is being developed, and the work is expected to start soon. She also noted that Commissioners Mary Griffin and Ken Kimmell and Undersecretary for Environment Phillip Griffiths have been working with Secretary Sullivan, who will brief the Governor's office on the SWMI framework.

Baskin introduced Drury, who provided a brief overview and history of the Water Resources Commission for the new members. She noted that the Water Resources Commission is one of the longest-serving commissions in the commonwealth, having been formed by Governor Christian Herter in 1954 and formally established in 1956 by an act of the legislature. She outlined the commission's membership and duties. Drury invited both new and returning commissioners to review the Water Resources Commission Handbook, which is available on the commission's website.

Agenda Item #3: Vote on the Minutes of August 2012

Baskin invited a motion to approve the meeting minutes for August 9, 2012.

V	A motion was made by Yeo with a second by Kennedy to approve the meeting minutes for August 9, 2009.
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E	The vote to approve was unanimous of those present, with three abstentions (Jack, Matthews, and Zimmerman).

Documents or Exhibits Used at Meeting:

- WRC Meeting Minutes for August 9, 2012
- Lost Lake Sewering Pond Project, Groton:
 - Staff Recommendation on the Request for Determination of Insignificance under the Interbasin Transfer Act for the Lost Lake Sewering Pond Project, Groton
 - Correspondence dated August 14, 2012, from Water Resources Commission to the Massachusetts Environmental Policy Act office: comments on the Environmental Notification Form for the Town of Groton's Phase II Comprehensive Wastewater Management Plan
 - Dam Management Plan for the Lost Lake Dam and Cow Pond Brook
 - Presentation slides: Groton Lost Lake Sewering, IBT Insignificance: Draft Staff Recommendation, September 13, 2012
- Correspondence dated August 14, 2012, from the Water Resources Commission to FoxRock Properties confirming decision of the Commission on the Interbasin Transfer Offsets for 105 Research Road, Hingham
- Interbasin Transfer Required Annual Report from Town of Reading, July 19, 2012
- Correspondence dated June 14, 2012, from Water Resources Commission to the Alliance for Water Efficiency regarding the Water Efficiency and Conservation State Scorecard: An Assessment of Laws and Policies
- Interbasin Transfer Act project status report, 29 August 2012
- Current Water Conditions in Massachusetts, September 13, 2012
- [The Massachusetts Water Resources Commission Commissioner Handbook](#), February 2009. Available at www.mass.gov/eea/wrc