



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

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**Meeting Minutes for August 8, 2024**

Meeting conducted remotely via Zoom meeting platform, 1:00 p.m.

*Minutes approved November 14, 2024*

**Members in Attendance:**

Vandana Rao	Designee, Executive Office of Energy and Environmental Affairs (EEA)
Chris Kluchman	Designee, Executive Office of Housing and Livable Communities (EOHLC)
Duane LeVangie	Designee, Department of Environmental Protection (MassDEP)
Tyler Soleau	Designee, Massachusetts Office of Coastal Zone Management (CZM)
John Scannell	Designee, Department of Conservation and Recreation (DCR)
Todd Richards	Designee, Department of Fish and Game (DFG)
Thomas Cambareri	Public Member
Kenneth Weismantel	Public Member
Samantha Woods	Public Member

**Members Absent:**

Hotze Wijnja	Designee, Department of Agricultural Resources (DAR)
Christine Hatch	Public Member
Vincent Ragucci	Public Member

**Others in Attendance:**

Andreae Downs	Massachusetts Water Resources Authority (MWRA) Wastewater Advisory Committee
Caitlin Spence	EEA
Colleen Rizzi	MWRA
Corey Godfrey	Littleton Electric Light and Water Department (LELWD)
Matt Silverman	LELWD
Hilary Monahan	MWRA
Jennifer Pederson	Massachusetts Water Works Association
Katherine Lange	Mass Rivers Alliance
Katie Paight	DCR
Marielle Stone	MassDEP
Misty-Anne Marold	DFG
Moussa Siri	MWRA Water Supply Citizens Advisory Committee
Nadia Madden	DCR
Pine duBois	Jones River Watershed Association
Purvi Patel	EEA
Robert Rafferty	Environmental Partners
Sara Cohen	DCR
Thomas Orcutt	Groton Water Department
Tyler Schmidt	Environmental Partners
Vanessa Curran	DCR
Viki Zoltay	DCR

Rao called the meeting to order at 1:05 pm.

**Agenda Item #1: Welcome and Introductions**

Rao introduced herself, welcomed attendees, and asked all to put their name and affiliation in the chat for the purposes of the meeting minutes. Rao announced that the meeting was being recorded and all votes would be taken by roll call. She invited those who wish to speak during the meeting to indicate this in the chat window. A roll call of members in attendance was taken; a quorum was present.

**Agenda Item #2: Executive Director's Report**

Rao reviewed the items in the meeting packet, which are listed at the end of these minutes. She drew attention to two Interbasin Transfer Act (ITA) preapplication discussions that have been underway, one with Plainville and one with Weymouth and the Southfield Redevelopment Authority, which are described in the ITA Project Status Report. The deadline for MEPA comments on the Weymouth/Southfield project is next week, and staff is preparing a comment letter for submittal.

A public hearing on the staff recommendation for the Littleton ITA application is also next week.

The staff will present the ITA Performance Standards for a vote at the September meeting, as the high level of activity for current ITA applications has been dominating staff time.

**Agenda Item #3: Update: Hydrologic Conditions**

Rao introduced Zoltay to present the Hydrologic Conditions Report for July 2024.

- *Temperature*: Monthly average temperatures were above normal. According to the Northeast Regional Climate Center (NRCC), Massachusetts had its 9<sup>th</sup> warmest July on record, and the Worcester climate site had its 2<sup>nd</sup> warmest July on record.
- *Precipitation*: July regional precipitation was below normal in the Northeast and Southeast Regions and was normal in all other Regions. The Northeast Region is at index severity level (ISL) 1 for the 1-month to 3-month lookback periods, and the Southeast Region is at ISL for only the 1-mos lookback.
- *Evapotranspiration*: As of July 31, 2024, the 1-month EDDI percentiles were normal in all Regions. The 2-month EDDI percentiles, which are used in the MA Drought Plan monitoring, are at elevated ISLs in most Regions: The CTRV, Central, Northeast, and Cape Cod Regions are at ISL 1, and the Western and Islands Region are at ISL 2. The Southeast Region is normal.
- *Keetch-Byram Drought Index*: At the end of July, the Keetch Byram Drought Index (KBDI) was at ISL 1 in the Western, CTRV, and Islands Regions and was at ISL 2 in the Central, Northeast, Southeast, and Cape Cod Regions.
- *Streamflow*: July streamflow ranged from much below normal to much above normal. Regional medians are all in the normal range, and all Regions are at ISL 0. The Western Region is at the low-end of normal with six individual gages in the 25-30<sup>th</sup> percentile range. The monthly median of Parker River gage in the Northeast Region is at the 8<sup>th</sup> percentile.

- *Flooding:* There was no flooding to report.
- *Groundwater:* July groundwater levels ranged from below normal to much above normal. Regional medians were all in the normal range. A new version of the groundwater table was shown and discussed.
- *Lakes & Impoundments:* At the end of July, reported lake and impoundment levels were above their 30<sup>th</sup> percentile and/or were at or near 100% full except for two systems in the Northeast Region.
- *MA Drought status:* The DMTF met earlier in the week and recommended that the Parker River basin declared at Level 1 Drought Conditions. As of the meeting, the Secretary’s drought declaration had not been released.
- *US Drought Monitor (USDM):* At the end of July, the USDM showed areas of abnormal dryness in the Western, CTRV, Central, and Northeast Regions and Moderate Drought in the Northeast Region.
- *NOAA Climate Prediction Center outlooks:* The monthly outlook for August issued 7/31 showed a 50-60% chance of above-normal temperatures and a 33-40% chance of above-normal precipitation. The seasonal outlook issued 7/18 showed a 60-70% % chance of above-normal temperatures, a 33-40% chance of above-normal precipitation in the western, central and northeast parts of the state, and a 40-50% chance of above-normal precipitation in the rest of the state.

**Agenda Item #4: Vote on Meeting Minutes, May 2024**

Rao invited a motion to accept the meeting minutes for May 9, 2024.

V O T E	<p>A motion was made by Weismantel with a second by LeVangie to approve the meeting minutes for May 9, 2024.</p> <p>The vote to accept was unanimous among those present with the exception of Richards who abstained due to absence at the May WRC meeting.</p>
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**Agenda Item #5: Presentation: Draft Staff Recommendation for the Littleton Electric Light and Water Department’s Interbasin Transfer Act Application/Proposal for a Water Supply Connection with Boxborough**

Curran provided an overview of the application, which is a request by the Littleton Electric Light and Water Department (LELWD) to establish a water supply connection for a few designated properties in Boxborough under the Interbasin Transfer Act. LELWD has sources in the Merrimack River Basin while Boxborough has land area in the Merrimack and Concord River Basins. Boxborough does not have a municipal water supply and properties are served by on-site wells that are not municipally owned or operated. There are 11 small public water systems in Boxborough that are experiencing different levels of contamination in their water supply, with PFAS, sodium, and chloride present. These systems serve approximately 1,100 residents (roughly 20% of the population of the town).

Curran explained that the proposal is for LELWD to transfer up to 0.065 MGD of water to properties in Boxborough. As Boxborough has land partially in LELWD’s sources and partially

outside of their sources, only a portion of the volume is subject to the Interbasin Transfer Act, with totals approximately 0.060 MGD.

Curran oriented those present with a map of the project's location, indicating the source location of the water, the properties proposed to be served, the location of the Taylor Street Well, and the location of a finished water main that will extend into Boxborough. The contaminants present were described, including the varying amounts of PFAS and chloride, with some properties having larger amounts than others.

Curran provided details regarding the timeline of the project, noting that a MEPA certificate was issued by the Secretary in May with no further review needed. This past June, the Commission accepted the application as complete, which was followed by two public hearings and a public comment period that closed at the beginning of August. All public comments received were in support of the project.

Curran provided an overview of the criteria included in the Interbasin Transfer Act that is used to evaluate the project. Status of those criteria related to this project includes the following:

- Criteria #1: MEPA Compliance – Completed with the Secretary's Certificate issued in May with not further MEPA review required.
- Criteria #2: Viable In-Basin Sources – As the current properties with levels of contamination are on their own individual wells and not part of a larger system, the proposed project was the preferred alternative.
- Criteria #3: Water Conservation – Most of the performance standards have already been met. As Boxborough is not operating the supply, all performance measures will be met by the LELWD, who have agreed to meet the remaining conditions. This includes updating the Drought Plan and expanding ICI outreach to include the newly serviced properties in Boxborough.
- Criteria #4: Forestry Management – Not applicable for this project.
- Criteria #5: Reasonable Instream Flow – The proposed transfer was reviewed, along with a past transfer that was approved in 2006 for Woodlands at Laurel Hill which was deemed as insignificant at that time. Analysis completed for the proposed project using gage data available from the Squannacook River found a cumulative transfer that meets the insignificance criterion for streamflow.
- Criteria #6: Groundwater/Pumping Test - The proposed Taylor Street Well was found to be in Blanding's Turtle habitat. It was determined that LELWD will be eligible for a Conservation and Management Permit by the Division of Fisheries and Wildlife at DFG, which will authorize use of the well at 0.265 MGD, which is 50% of the requested volume.
- Criteria #7: Cumulative Impacts – Referenced in review of criteria #5.

Curran described the conditions that will be tied to the project's approval, including continued implementation of the Water Loss Control Plan and annual audits to reduce UAW, revisions to the Drought Management Plan, continued efforts to remain below 65 rgpcd, annual coordination

to top ICI users to encourage conservation, and implementation of the Conservation and Management Permit for the Taylor Street Well.

Curran noted next steps include a public hearing on the draft staff recommendation scheduled for August 15, 2024 at 11am on Zoom, followed by a presentation and final vote at the September 12, 2024 WRC meeting. The final deadline to vote on this Project is October 14, 2024.

Curran introduced the staff from LELWD, including Matt Silverman and Corey Godfrey. Godfrey noted their coordination with all the relative agencies throughout this process and their support for the staff recommendations. Rao commented on the success of the collaborative effort among the agencies involved.

LeVangie added that MassDEP had released a draft permit, which will be modified to fit the Commission's outcome. Their comment period closed on July 26, 2024, but no comments were received. Rao reminded Commissioners that the conditions within the Interbasin Transfer Act decision will be included in the final Water Management Act permit.

Woods asked for clarification regarding the conditions related to the Taylor Street Well as outlined in the Conservation and Management permit. Curran noted that the approval for the well is a greater volume than the proposed total transfer amount, as the transfer will be coming from all of the sources in Boxborough. Curran and Rao explained that the Commission's responsibility is to vote on the 0.060 MGD proposed and its potential impacts. Richards thanked all agencies for their efforts in working through all parts of this project.

Cambareri noted the need for this project by the community and had no further comments.

DuBois asked for clarification on the scope of unaccounted-for water, including why 13% is considered a minor issue. Curran explained that unaccounted-for water can be from a leak or when transfer is not properly accounted for on paper. In Massachusetts, the standard is to demonstrate steady progress toward meeting unaccounted for water at or below 10%, which is why a condition of the approval is to reduce the amount of unaccountable water below 10%.

**Agenda Item #6: Presentation: Draft Staff Recommendation for the Town of Groton's Request for an Amendment to the 2012 Lost Lake Determination of Insignificance**

Rao gave some background on the project and how this amendment can pave the way for the next agenda item, and then introduced Curran. Curran acknowledged Tom Orcutt from the Groton Water Department and Tyler Schmidt from Environmental Partners, the Town's consultant.

The Town of Groton has land area in the Merrimack and Nashua River basins. Two areas of town, known as Lost Lake and Four Corners, are located in the Merrimack River Basin portion of Groton. Particularly around Lost Lake these areas were plagued by septic system failures which was leading to eutrophication or excess nutrient inputs to Lost Lake and impacts to residential drinking water supply wells. Both areas get their water supply from the Merrimack River Basin, either from on-site wells or from the Groton Water Department.

In 2012 the WRC approved a proposal to sewer the Lost Lake and Four Corners areas to the Ayer wastewater treatment plant in the Nashua River Basin. Maximum day sewer flows of 363,000 gpd were approved as an insignificant transfer. The Four Corners sewer collection system was constructed, but the Lost Lake collection system never was. The 363,000 gpd that was approved by the WRC included 322,505 gpd for Lost Lake and 40,495 gpd for Four Corners. In March of this year, the Town requested to give up the Lost Lake portion of the total volume. The plans to construct the sewer collection system around Lost Lake have been abandoned; the project was voted down at town meeting. This amendment request would retain the 40,495 gpd for the Four Corners collection system which was constructed but give up the 322,505 gpd allocated to Lost Lake. The staff recommendation is that the WRC approves Groton's request to give up the Lost Lake portion of the previously approved interbasin transfer. Curran noted that WRC staff will be seeking a vote on this amendment to reduce the volume at the next WRC meeting in September. Curran then opened it up for questions.

Weismantel asked if there were conditions on the 2012 WRC approval and if so, do they continue? He also asked what is the history of Groton meeting those conditions? Curran responded that Determinations of Insignificance generally are not conditioned like full approvals. If a project needs a lot of conditions, it would not be insignificant. There was one item in the project as proposed that needed to be implemented. The 2012 Decision specified the implementation of a dam management plan for the dam on Lost Lake. But the Decision specified that the dam management plan should be implemented after the construction of the Lost Lake sewer collection system. But since the sewer system was never constructed, the plan did not need to be implemented.

Rao added that staff would make sure that language about the dam management plan no longer being required is included in the staff recommendation to be brought to the next WRC meeting.

**Agenda Item #7: Presentation: Draft Staff Recommendation for the Town of Groton's 2024 Request for Determination of Insignificance for a Water System Expansion**

Rao introduced the agenda item and invited representatives from the Town to make comments before the presentation. Tyler Schmidt discussed meeting with Curran and the Town to resolve certain issues. He mentioned that the Town saw the two separate votes (Agenda Items #6 and #7) as connected and would discuss after the presentation.

Curran reviewed the existing conditions for wastewater disposal within the Town (only certain areas of the Town are sewered). Groton Center District has a wastewater connection to the Pepperell wastewater treatment plant (WWTP), which is in the Nashua River Basin; this predates the passage of the ITA and is considered a pre-existing transfer that WRC does not have jurisdiction over. Curran referenced some of the information from Agenda Item #6 to provide context. She stated the Groton Dunstable Regional High School (GDRHS), which is in the Nashua River Basin portion of Groton, and adjacent properties in Groton and Dunstable are affected by PFAS contamination due to past fire-fighting activities. GDRHS discharges wastewater to the Pepperell WWTP in the Nashua River Basin and properties in Dunstable discharge wastewater via onsite septic systems to the Nashua River Basin also.

Curran described the proposed transfer – water supply will be sourced from Groton’s system (Merrimack River Basin) and used at GDRHS/private properties (Nashua River Basin). Total estimated demand is 60,495 gpd, of which only 28,555 gpd is subject to ITA review. The remainder will be kept onsite and will not cross a municipal boundary. Curran provided a visual representation of the project area and interbasin transfer. The total interbasin transfer volume would be 69,050 gpd (28,555 gpd plus pre-approved Four Corners volume after Lost Lake is given up, which is 40,495 gpd).

Curran reviewed the streamflow analysis that takes place for a transfer to be deemed insignificant. In this case, 5% volume is 73,000 gpd. Therefore, the current transfer request is below streamflow threshold for insignificance. She clarified estimates for the 2012 decision which included 363,000 gpd being considered insignificant compared to the current insignificant volume of 73,000 gpd. The two decisions used different analysis points in the basin. The 2012 decisions considered areas that would be sewered, whereas now they are considering the areas that are providing the water supply. Additionally, ITA regulations were revised in 2018 with changes to insignificance criteria, and the Lost Lake volume was contingent on a dam release plan which did not happen.

Curran reviewed the criteria for insignificance: a) transfer is less than 1 million gpd; b) it is not a temporary transfer; c) cumulative volume is less than the streamflow threshold; d) it is not a transfer from a reservoir; e) transfer is three orders of magnitude smaller than flow in the Merrimack River at the discharge point so do not expect any impacts to 7Q10; f) special resource values not adversely impacted; g) all work within roadways; h) measures to protect instream flow taken; i) implement water conservation measures; j) and cumulative impacts reviewed. WRC staff have found that this request meets all applicable criteria and recommend the WRC find the transfer to be insignificant under the ITA. A vote is required by September 17, 2024; therefore, staff requests that a vote occurs at the September 12, 2024 meeting.

Weismantel asked about the environmental status of Lost Lake - have Lost Lake septic systems been upgraded? Tom Orcutt noted that he believed that folks in Lost Lake area are upgrading their septic systems as they transfer properties and tight tanks are being installed in areas where leaching systems cannot be installed.

Rao invited Schmidt to offer comments. Schmidt noted that the whole project started to address PFAS contamination at GDRHS and surrounding properties. MassDEP informed GDRHS that they were required to remediate the issue at the site but also at surrounding properties. The Town worked with Curran to devise an appropriate solution over the past year to get to the ideal path for ITA review (i.e., forfeit volume at Lost Lake to enable transfer of additional water). Schmidt went on to outline how the approach will provide benefits to the Town of Groton, Dunstable residents (no longer impacted by PFAS in their water) and the ITA through forfeiture of a large volume of transfer previously approved.

Rao asked when construction would begin and Schmidt responded that September was the goal.

V O T E	A motion was made by Richards with a second by Weismantel to adjourn the meeting. The roll-call vote to adjourn was unanimous of those present.
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Meeting adjourned at 2:35pm

**Documents or Exhibits Used at Meeting:**

- 1) WRC Meeting Minutes: May 9, 2024
- 2) Interbasin Transfer Act Application: Littleton Electric Light and Water Department's
  - a) Draft Staff Recommendation for WRC dated August 8, 2024
  - b) Littleton public comments
- 3) Interbasin Transfer Act Application: Groton Water Department
  - a) Draft Staff Recommendation for the Town of Groton's Request for an Amendment to the 2012 Lost Lake Determination of Insignificance dated August 8, 2024
  - b) Draft Staff Recommendation for the Town of Groton's 2024 Request for Determination of Insignificance for a Water System Expansion dated August 8, 2024
- 4) Handout on Agricultural Drainage and Water Quality Project shared at WRC meeting on June 13, 2024
- 5) Correspondence dated April 8, 2024 from the WRC to MEPA regarding the Expanded Environmental Notification Form (EENF) for the Pickering Middle School Project in the City of Lynn.
- 6) Correspondence dated April 8, 2024 from the WRC to MEPA regarding the Single Environmental Impact Report (Single EIR) for 420-430 Bedford Street in the Town of Lexington.
- 7) Correspondence dated April 22, 2024 from the WRC to MEPA regarding the Expanded Environmental Notification Form (EENF) for 16 Town Wharf in the Town of Plymouth.
- 8) Correspondence dated May 6, 2024 from the WRC to MEPA regarding the Environmental Notification Form (ENF) for Scituate Harbor Park in Scituate.
- 9) Correspondence dated July 23, 2024 from the WRC to MEPA regarding the Notice of Project Change (NPC) for One Oceanfront South Development (formerly known as Big Block Development) in the Town of Salisbury.
- 10) Interbasin Transfer Act project status report, dates July 29, 2024
- 11) Hydrologic Conditions in Massachusetts, July 2024 (available at <https://www.mass.gov/info-details/monthly-hydrologic-conditions>)

*Compiled by: WRC staff*

*Agendas, minutes, and other documents are available on the web site of the Water Resources Commission at <https://www.mass.gov/water-resources-commission-meetings>. All other meeting documents are available by request to WRC staff at 10 Park Plaza, Suite 6620, Boston, MA 02116.*