



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

Minutes for a Special Meeting of the Water Resources Commission, December 21, 2021

Meeting Held Remotely Via Zoom Video Conferencing, 2:00 pm

Minutes approved March 10, 2022

Members in Attendance:

Vandana Rao	Designee, 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)
Kathleen Baskin	Designee, Department of Environmental Protection (MassDEP)
Hotze Wijnja	Designee, Department of Agricultural Resources (DAR)
Todd Richards	Designee, Department of Fish and Game (DFG)
Thomas Cambareri	Public Member
Vincent Ragucci	Public Member
Kenneth Weismantel	Public Member
Samantha Woods	Public Member

Members Absent

Todd Callaghan	Designee, Massachusetts Office of Coastal Zone Management (CZM)
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Others in Attendance:

Vanessa Curran	DCR, staff to WRC
Marilyn McCrory	DCR, staff to WRC
Erin Graham	DCR, staff to WRC
Kara Sliwoski	DCR, staff to WRC
Sara Cohen	DCR, staff to WRC
Read Porter	EOEEA
Susy King	MassDEP
Lealdon Langley	MassDEP
Katie Ronan	Massachusetts Water Resources Authority (MWRA)
Heather Miller	Charles River Watershed Association
Sarah Bower	Mass Rivers Alliance
Katharine Lange	Mass Rivers Alliance
Eric Kelley	Environmental Partners
John Macone	Merrimack River Watershed Council
John Westerling	Hopkinton DPW Director
Charlie Jewell	Boston Water and Sewer Commission
Amy Schofield	Boston Water and Sewer Commission
William Branton	Scituate Sewer Division
Karla Sangrey	Upper Blackstone Clean Water
Dave Craven	Athol Water Division
Doug Pinard	Private citizen

Rao called the meeting to order at 2:05 p.m.

Agenda Item #1: Welcome and Introductions

Rao welcomed all participants to this special meeting of the Water Resources Commission. She requested all participants to record their presence and affiliation in the zoom chat and reviewed the logistics of a virtual meeting and the agenda. She then invited all Commissioners to introduce themselves.

Agenda Item #2: Executive Director's Report

Rao reflected back on 2021, expressing that the Commission accomplished a lot with regard to moving policy, advancing outreach and other efforts around drought, and improving various aspects of communication on drought and water conservation.

Agenda Item #3: Presentation and VOTE: 314 CMR 16.00: Notification Requirements to Promote Public Awareness of Sewage Pollution

Rao welcomed staff from MassDEP and reminded Commissioners that they had heard a presentation on these regulations at a prior meeting and that their vote is the final approval step for promulgation.

Baskin introduced Lealdon Langley, Director of the Division of Watershed Management, and Susy King, Section Chief for the NPDES Program, both of MassDEP. She thanked the Commission for convening for this special meeting. She reminded attendees that the promulgation of this regulation is important to the Baker-Polito administration, as well as all water-body users affected by sewage discharge events. Baskin shared that MassDEP received very meaningful comments that were considered, and changes that were made as a result of these comments. Changes will be explained in the presentation they were about to hear.

Susy King presented the final proposed regulations. Presentation slides can be accessed at:

<https://www.mass.gov/service-details/review-our-meetings>

Highlights include:

- The regulations, pursuant to an Act Promoting Awareness of Sewage Pollution in Public Waters, are required to be promulgated by January 12, 2022.
- The regulations focus on sewage discharge events requiring public notification, including combined sewer overflows (CSO), some types of sanitary sewer overflows (SSO), discharge of partially treated wastewater from a treatment plant, and blended wastewater (which is a form of partially treated wastewater).
- The regulations require public notification of certain details by the permittees after a discharge event, including alerts on the permittee's website and notification to regulating authorities, news outlets, and subscribed individuals. CSO permittees are also required to have permanent information on their websites and on signs at affected locations. The regulations also require public health warnings from municipal boards of health under certain circumstances.
- CSO and SSO permittees and are required to develop Public Notification Plans. The former have preliminary plans due May 1, 2022 and final plans due January 12, 2023; the latter have plans due July 6, 2022, which will receive presumptive approval after 180 days if MassDEP does not review and request changes.
- Permittees have immediate, monthly, and annual reporting requirements.
- The regulations contain several environmental justice components. These include alerts and Plan notifications sent to news organizations serving EJ communities and appropriate language translation in public communications.
- Significant changes from draft regulations include:

- o Blended wastewater discharges now have same notification requirements as other discharges.
- o Permittee must issue retraction if determined no discharge occurred.
- o Changed signage parameters for CSO permittees to require maintenance of existing signage and creation of new signage at affected discharge locations to provide timely notification of events.
- o Extended due date for Public Notification Plans.
- o Added requirement for SSO Public Notification Plans.
- o Refined conditions for which Boards of Health must issue public health warnings.
- o Clarified the methods that are acceptable for issuing public health warnings.
- o Added an option for permanent Board of Health signage at access points that can be modified with current information, rather than temporary signage.

Discussion:

Woods asked for clarification on whether CSO's and SSO's would have different public notification requirements? King responded that public notifications requirements for permittees are the same for CSO's and SSO's. There is a difference in requirements for public health warnings, however. A public health warning is required for all SSO's regardless of duration, whereas it is only required for CSO's if the event exceeds two hours.

Rao asked how many permittees there are under the regulation. King stated the full number of permittees is around 230, 19 of which cover CSO's.

Ragucci complimented the MassDEP team on the presentation and their response to comments.

Langley added that MassDEP recognizes that the regulations are complex and is scheduling workshops and more information sessions for permittees. In particular, sewer authorities with SSO's but no CSO's are generally not as familiar with the regulations, as the focus of outreach during the development of the regulations was on authorities with CSO's.

Baskin added that the MassDEP team was developing a tool to assist the 211 sewer authorities with SSO's only in developing their public notification plans. The expectation is that the requirement to have the plan in place will be useful to the authorities when rare SSO's do occur.

Cambareri commented that he was very pleased with MassDEP's plans to reduce the heavy lift on the regulated community through the tools and outreach efforts. He asked how the regulations get implemented and requested an update next summer or at an appropriate point on how they are working. Rao agreed that would be helpful and Baskin also welcomed the opportunity for an update and check-in on the part of the agency and agreed to work with the team to propose an appropriate timeframe to return.

Weismantel requested that the WRC gets an annual report on the number of CSO and SSO events that occurred to see if trends show the events are reducing. Baskin said the legislature had requested an annual report with that information and that MassDEP could send that to the WRC, too. She added that other states have seen a reduction after this type of regulation, due to the public's increased attention on the issue and subsequent funding. Rao added that American Rescue Plan Act (ARPA) and additional infrastructure-related funding could potentially be available for some of the improvements, potentially reducing the number of these events.

Ragucci expressed compliments to MassDEP in the meeting chat feature for a great presentation and a great job at addressing public comments. Richards also expressed thanks for the presentation via the meeting chat.

Lange expressed gratitude to MassDEP on behalf of the Mass Rivers Alliance for their work on this and her appreciation for the content of the final regulations.

Rao added appreciation for MassDEP's near-record speed on promulgating the regulations without compromising the important public process.

Branton asked whether there is a link with more information on the SSO reporting plan requirements and where the plan should be sent. Baskin responded that there is not quite yet a link to the requirements but there should be soon. She also mentioned the training in early February, which will be recorded for those unable to attend. Additionally, MassDEP will be reaching out to permittees to let them know about the training and upcoming posted details about the plan requirements. The deadline for the SSO public notification plan is July 6th, 2022. The CSO notification plan is a 2-stage deadline; the preliminary plan is due May 1, 2022, and the final plan is due January 12, 2023. Langley posted a link to MassDEP's website on CSO's and SSO's, the law, regulations, and related resources, noting the SSO notification plan guidance will be posted at this link in the future: <https://www.mass.gov/guides/sanitary-sewer-systems-combined-sewer-overflows>.

Miller noted CRWA particularly appreciates MassDEP's response to public comment and feels this is an important step forward in improving water quality and notifying the public.

Macone also expressed appreciation for MassDEP's transparent and responsive process, noting that the Merrimack has suffered from many CSO's.

Vote:

Rao invited a motion to approve the regulations, 314 CMR 16.00: Notification Requirements to Promote Public Awareness of Sewage Pollution.

V	A motion was made by Ragucci with a second by Weismantel to approve 314 CMR 16.00:
O	Notification Requirements to Promote Public Awareness of Sewage Pollution.
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E	The vote to approve was unanimous of those present. Motion carried 10:0.

Rao thanked everyone for their time and thanked MassDEP for their process.

Baskin thanked the WRC again for the vote and their time.

The meeting was adjourned at 2:45 with a motion by Balzotti seconded by Weismantel and agreed to by a unanimous roll call vote of those present.