



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

Meeting Minutes for March 11, 2021

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

Minutes approved June 10, 2021

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
Marcela Molina	Public Member
Vincent Ragucci	Public Member
Kenneth Weismantel	Public Member
Samantha Woods	Public Member
Todd Callaghan	Designee, Massachusetts Office of Coastal Zone Management (CZM) (joined meeting at 2:36 p.m.)

Others in Attendance:

Erin Graham	DCR/Office of Water Resources
Marilyn McCrory	DCR/Office of Water Resources
Vanessa Curran	DCR/Office of Water Resources
Jennifer Sulla	EEA
Kate Bentsen	MA Division of Ecological Restoration
Jennifer Pederson	Massachusetts Water Works Association
Sara Cohen	DCR/Office of Water Resources
Viki Zoltay	DCR/Office of Water Resources
Gerald Clarke	Dover Water Resources Committee
Chris Woodcock	Woodcock and Associates Inc.
Kalman Bugica	MassDEP
Richard Carey	MassDEP
Laura Blake	MassDEP
Lexi Dewey	Water Supply Citizens Advisory Committee
Andreae Downs	Wastewater Advisory Committee
Katie Ronan	Massachusetts Water Resources Authority
Sara Bower	Mass Rivers Alliance
Adam Kautza	DFG
Anna Mayor	MassDEP

Rao called the meeting to order at 1:09 p.m.

Agenda Item #1: Welcome and Introductions

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. Members and attendees introduced themselves.

Agenda Item #2: Executive Director's Report

Rao updated the WRC regarding the drought, indicating that conditions have started to deteriorate again with precipitation deficits. Rao called a meeting of the DMTF and they have made a recommendation to the Secretary which we will hear more about in the Hydrologic Conditions report. The declaration comes in the form of a press release, which will be shared once it is published.

Next week is Fix-a-leak-week. Many of our water supply partners are promoting this. The challenge this year is to spend 10 minutes checking for leaks. EEA will be putting some messages out on social media and Rao asked for attendees and the public to look out for tweets and repost/retweet.

Woods noted that she saw the Indian River gage at below the 25th percentile which is worrisome.

Agenda Item #3: Update: Hydrologic Conditions and Drought Status Update

Graham provided an update on the hydrologic conditions for February. Precipitation was below normal in the western region but better in other regions. Longer lookback periods are still showing deficits from the 2020 drought. Streamflow was below normal in western region, all other regions showed streamflow above 30th percentile but with some individual gages below. Groundwater is at index severity level 1 with the remaining regions normal to high. Lakes and impoundments are within the normal range except for Ashumet Pond on Cape Cod. It may be a slow responder from the drought. Temperature and precipitation outlooks show increased chances for above normal temperature but no increase for precipitation. The drought outlooks show no increased probability of drought.

The full report can be found at <https://www.mass.gov/info-details/water-data-tracking#hydrologic-conditions-reports->.

Rao noted that Pederson posted in the chat that NEWWA is hosting a speaker's series on drought March 23 and more information is available at:

<https://www.newwa.org/Portals/6/Events/2021%20Speaker%20Series%202-5-2021.pdf>.

Agenda Item #4: Vote on the Minutes of December 2020

Rao invited a motion to approve the meeting minutes for December 10, 2020.

V	A motion was made by Weismantel with a second by Ragucci to approve the meeting minutes for December 10, 2020. The roll-call vote to approve was unanimous of those present.
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Agenda Item #5: Presentation and Discussion: Proposed Updates to the Interbasin Transfer Act Performance Standards: Part 2 – Water Rates and Billing

Cohen recalled from Part 1 of the presentation last month that the purpose of the update is to reflect updates to Interbasin Transfer Act (ITA) Regulations (the Regulations), Water Conservation Standards (WCS) and advancement of industry best practices. There is very specific language in the ITA around water rate structures and what is required.

Last month's presentation reviewed the performance standards pertaining to water rates, including the requirement of conservation-oriented rate structures. Today's presentation pertains to Appendix B of the performance standards which provides guidance on how to make conservation-oriented rate structures effective and provides a sense of how the Commission will be reviewing them.

Appendix B includes three parts- a list of useful resources, a description of six important guiding principles to maximize the effectiveness of price signals, and specific guidance on different types of conservation-oriented rate structures and a sense of how WRC staff will be evaluating compliance with the performance standards and what information should be provided by applicants. Cohen went on to provide details on each of these three sections. Highlights:

- Guiding principles emphasized full-cost pricing, conservation-oriented price signals, mechanisms for revenue stability, clarity of rate structure, fairness of cost allocation, protections for affordability, annual rate review, and billing practices that support price signals.
- Guidance for conservation-oriented price signals addressed both uniform rate structures and per-unit price increase structures.
- Per-unit price increase structures included examples such as seasonal rates, tiered rates, drought or scarcity rates, and peak use rates, all of which can be effective provided they have effective means of targeting certain components of their water demand for reduction and meaningful increases in price for that water. Several examples of ways to target specific components of demand for reduction were provided.
- Uniform rate structures can be effective, provided the unit rate is sufficiently high to incentivize conservation, while protections are in place to protect affordability of water for basic needs. Examples of affordability protections were provided. A method for normalizing rates across Massachusetts suppliers was reviewed, as well, as a basis to assess relative strength of price signal compared to rates across the state.

For the complete presentation, see <https://www.mass.gov/doc/presentation-water-rates-performance-standards/download>.

Questions, comments, and discussion:

Weismantel complimented Cohen on the presentation. He has been talking with town officials and they are concerned about the cost of monthly billing. An alert that goes out upon high demand may be a more efficient means of communicating and saving water. Huge cost to process bills through the cycle vs. an alert. If we require yearly rate setting as a condition, we need to monitor it for compliance. Cohen agreed that there are other ways to get a signal to customers in addition to a monthly bill.

Pederson commented that water supply systems applying for ITA are usually in dire straits because of water quality issues. What was wrong with the current system that needs fixing? Rao answered that the update of Performance Standards is due to an update of the Regulations. WRC understands that many ITA applicants need additional water. In the case of an emergency, MassDEP has a provision for Emergency Declarations that provide exemptions from the ITA for a period of six months in a calendar year. ITA approvals are for long-term solutions. Carroll reiterated that the system was not broken, this effort aims to provide greater clarity around meaning of provisions in the Regulations that have always been present. It also provides more transparency on evaluation metrics. Cohen agreed and added that the major change this represents is answers to questions previously not clearly articulated. Historically the staff did not have metrics for evaluating. Pederson asked about the use of Tighe and Bond data used in benchmarking which is from 2017 and she recently checked with them that they do not have plans to update until 2021. Also, Pederson noted that assumptions used in that study are high for water use. Cohen clarified that the proposed method for evaluating compliance under the ITA does not use the underlying water use assumptions from the Tighe and Bond study, which she agreed were high. Only the raw data from Tighe and Bond are used. She appreciated knowing that there are no near-term plans to update but felt comfortable using data going back a couple of years to define a 50th percent benchmark using the proposed method, as it should not change significantly over a few-year period.

Woods asked whether the WCS are applied to the Water Management Act (WMA) permits. Rao responded that WRC holds that WCS applies to all water users and asks for all PWSs to implement. They are used for the ITA Regulations. Baskin added that WCS includes both standards and recommendations. The WMA permits do try to include the standards. Woods suggested the new metrics being proposed for pricing under the ITA would be helpful to include in the WCS during the next revision, or even just provided as guidance to water suppliers. Rao agreed that providing technical assistance and tools for PWSs is useful and staff have discussed with MWWA providing a webinar or similar in the fall which would cover the water data management and analysis best practices workbook and other similar tools and guidance.

Weismantel asked whether it is fair to apply the proposed performance standards just to ITA communities. Rao responded that while the guidance is useful to share with a wider audience, for now, the regulatory authority is only under the ITA Regulations so those PWSs will be targeted first for help.

Pederson commented that PWSs are not always in charge of rates - it is often done through city council or water commissioners. It is very complicated and does not always result in what the water supplier wants. MWWA held a round table on payments and found that additional billing can be cost prohibitive. Smaller systems found this infeasible from a personnel perspective because more staff needed to process payments. Therefore, additional staff must be hired. Rao added that this is especially true for those systems not using Advanced Metering Infrastructure (AMI).

Woodcock commended Sara for the presentation and her expertise that is so valuable a resource to the Commonwealth. Cohen appreciated the comment and thanked Woodcock for his time as a resource in her learning.

Weismantel asked if we need to give communities more time to implement rate changes to avoid rate shock. Rao acknowledged that there can be flexibility afforded and things take time.

Rao noted that she will leave the meeting soon and Carroll will take over as meeting chair.

Agenda Item #6: Presentation and Discussion: Final Revisions to the Massachusetts Surface Water Quality Standards (314 CMR 4.00)

Rao introduced the presentation by reminding the Commissioners that the revisions to the Massachusetts Surface Water Quality Standards (314 CMR 4.00; the Standards) have been before the WRC in draft form previously. Baskin noted that the presentation provides an overview of the revisions to the Standards. DEP must return to the WRC for a final vote closer to the end of the process. Baskin acknowledged Laura Blake, who will be leaving state service, and expressed gratitude for the significant changes she made in the quality and organization of DEP's efforts to protect and enhance water resources in the Commonwealth. Blake appreciated the comments, noted that Baskin's introduction was great, and handed it over to Carey, who delivered the presentation.

Carey started by reviewing the graphic on Slide 4, which was an overview of the Standards under the federal Clean Water Act (CWA) framework. He noted that the 303(d) list is updated and submitted to EPA every two years as part of DEP's Integrated Report on the status of surface waters in Massachusetts. He reviewed the four core components of the Standards: designated uses, water quality criteria, antidegradation provisions, and general policies. Establishing the Standards is the responsibility of the State. The Standards were first promulgated in 1967 and the most recent revisions were completed in 2013. EPA has oversight authority; therefore, revisions to the Standards require both State promulgation and EPA approval to be enforceable.

The current revisions include changes to both the narrative section and the figures and tables section of the Standards. The tables were revised primarily to improve organization and clarity. Additionally, new Cold Water designations were made for 153 streams. The new Cold Water designations allow for better alignment with MassWildlife's regulation. Lastly, several site-specific criteria for surface waters or surface water segments were either removed or revised. Site-specific criteria supersede otherwise applicable statewide criteria.

The narrative section revisions include the following:

- General Provisions (314 CMR 4.01)
- Procedures for Sampling and Analyses (314 CMR 4.03(6))
- 401 Water Quality Certifications (314 CMR 4.03(7))
 - Federal rule finalized in 2020
- Toxic Pollutants (314 CMR 4.05(5)(e))
 - New Table 29: Generally Applicable Criteria
 - Updates to model- and equation-based criteria
- Bacteria Criteria (314 CMR 4.05(5)(f))
 - Updated for consistency with EPA 2012
- Organoleptic Effect Criteria (314 CMR 4.05(5)(g))
 - Created a new Table 30
- Application of Criteria (314 CMR 4.05(6))

- Determining Aquatic Life Criteria Applicability Where Fresh Water and Coastal and Marine Waters Mix

For the complete presentation, see <https://www.mass.gov/doc/presentation-massachusetts-surface-water-quality-standards-swqs/download>.

Questions, comments, and discussion:

Sulla clarified that the timeline includes approval by DEP, EEA, and the Governor’s Office. After these steps, the revised Standards will come before the WRC for a final vote.

Callaghan asked Carey if he could summarize the new chemicals by category or the reason for addressing them now. Carey stated that both aquatic life criteria and human health criteria are being updated. DEP is adopting all new or updated EPA recommended criteria since 2002, except selenium (2016) and cyanobacteria (2019), which require further evaluation before adoption. Generally applicable toxic pollutant criteria in the current Standards are based on EPA criteria recommendations in 2002. The revisions to the Standards reflect EPA’s latest criteria recommendations.

The Massachusetts Surface Water Quality Standards (314 CMR 4.00) can be accessed at <https://www.mass.gov/regulations/314-CMR-4-the-massachusetts-surface-water-quality-standards>.

V O T E	A motion was made by Weismantel with a second by Balzotti to adjourn the meeting. The roll-call vote to approve was unanimous of those present.
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Meeting adjourned, 3:13 p.m.

Documents or Exhibits Used at Meeting:

1. WRC Meeting Minutes: December 10, 2020
2. Summary, dated February 26, 2021: Final Revisions to the Massachusetts Surface Water Quality Standards (314 CMR 4.00)
3. Draft dated March 11, 2021, for the Interbasin Transfer Act Performance Standards: Appendix B: Guidance on the Development of Rate Structures that Encourage Water Conservation
4. Interbasin Transfer Act project status report, March 1, 2021

Compiled by: VZ, AC

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 251 Causeway Street, 8th floor, Boston, MA 02114.