



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

Meeting Minutes for September 13, 2018

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

Minutes approved December 13, 2018

Members in Attendance:

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| Vandana Rao | Director of Water Policy, 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) |
| Elizabeth McCann & Doug Fine | 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 |

Members Absent

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

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| Michele Drury | DCR |
| Jen Pederson | Massachusetts Water Works Association |
| Erin Graham | DCR |
| Rebecca Quinones | DFG |
| Stephen Brown | DCR |
| Peter Weiskel | U.S. Geological Survey |
| Beth Card | Massachusetts Water Resources Authority |
| Gabby Queenan | Massachusetts Rivers Alliance |
| Michelle Craddock | DFG/Div. of Ecological Restoration |
| Kate Bentsen | DFG/Div. of Ecological Restoration |
| Sara Cohen | DCR |
| Lexi Dewey | Water Supply Citizens Advisory Committee |
| John Westerling | Hopkinton Department of Public Works |
| Doug Small | Town of Ashland |
| Gregory Eldridge | Haley & Ward, Inc. |
| Andreae Downs | Wastewater Advisory Committee |
| Viki Zoltay | DCR |
| Vanessa Curran | DCR |
| Jennifer Sulla | EEA |
| Doug Fine | MassDEP |
| Emily Norton | Charles River Watershed Association |
| Marilyn McCrory | DCR |

Rao called the meeting to order at 1:03 p.m.

Agenda Item #1: Executive Director's Report

Rao announced that the *Massachusetts Water Conservation Standards* have been published and are available through the commission's website (<https://www.mass.gov/service-details/details-on-the-2018-massachusetts-water-conservation-standards>). Print copies can be provided upon request. She added that staff is working to make the standards available to all users, including establishing an online water conservation clearinghouse. Staff is also looking at ways to implement the standards.

Rao noted that staff is continuing its work on updating the Drought Management Plan. Other announcements:

- McCann announced that the Request for Responses has been posted for the Water Management Act grant program. Collaborative projects are encouraged. Funding ranges from eight hundred thousand to one million dollars.
- Pederson announced that the annual Water Resources Symposium will take place on October 10, with a focus on integrated water management. Details are available on the [New England Water Works Association](#) website.
- Carroll announced that registration will open soon for a workshop on water rates on November 14 in Sharon, Massachusetts. The workshop, by the Alliance for Water Efficiency, has received excellent reviews in other parts of the country and aims to address the challenges of rate setting, one of the issues identified in a survey conducted by staff as a follow-up to the pricing chapter of the Water Conservation Standards.

Agenda Item #2: Hydrologic Conditions and Drought Update

Zoltay provided an update on the hydrologic conditions for August 2018. Following an intense dry period before mid-July, precipitation, streamflow, groundwater, and reservoir indices in most of the state have been normal or above normal, with some areas experiencing heavy rainfall. Groundwater levels show recharge, which is unusual for August. The exception for precipitation is the Cape and Islands region, where the precipitation percent-of-normal index is at the advisory level. In addition, the fire index is triggering advisory levels or higher in all regions, and the crop moisture index is triggering advisory levels in the eastern part of the state. Rao noted the quick turn-around from near-drought conditions in June.

Agenda Item #3: Vote on the Minutes of April, June, and July 2018

Rao invited separate motions to approve the meeting minutes for April, June, and July, 2018.

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| V O T E | A motion was made by Weismantel with a second by Ragucci to approve the meeting minutes for April 12, 2018. The vote to approve was unanimous of those present. |
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| V O T E | A motion was made by Weismantel with a second by Ragucci to approve the meeting minutes for June 14, 2018. The vote to approve was unanimous of those present, with one abstaining (Balzotti). |
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| V O T E | <p>A motion was made by Weismantel with a second by Ragucci to approve the meeting minutes for July 12, 2018.</p> <p>The vote to approve was unanimous of those present, with three abstaining (Balzotti, Wijnja, and Richards).</p> |
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Agenda Item #4: Presentation: Staff Recommendation on Ashland’s Request to Join the MWRA under the Interbasin Transfer Act

Drury provide background on Ashland’s request to obtain water from the Massachusetts Water Resources Authority’s (MWRA) system. She reviewed facts related to the donor and receiving basins and existing water supply sources. She explained that Ashland is proposing to purchase up to 1.6 million gallons per day to supplement its existing water supply sources.

She explained that Ashland’s Environmental Impact Report, submitted to the Massachusetts Environmental Policy Act (MEPA) Office, serves as the application for an Interbasin transfer. She added that completion of the MEPA review process in June and acceptance of the application as complete by the WRC in July started the regulatory clock for ITA reviews. Drury reviewed activities since beginning of the formal ITA review process, including agency and public comments, which have been incorporated into the staff recommendation. She also noted public hearings held in both the donor and receiving basins.

Drury then reviewed the seven criteria used to determine compliance with ITA requirements and explained how Ashland has met all criteria. Criterion 1, compliance with the MEPA process, has been met. For criterion 2, the availability of viable in-basin sources, she reviewed Ashland’s existing water supply sources and six potential local sources that were eliminated from consideration based on water quality, water quantity, and wetlands issues, as well as issues related to Article 97. Staff recommends that Ashland complies with criterion 2.

For criterion 3 (meeting the water conservation performance standards), she noted that Ashland is in the process of addressing the standard for unaccounted-for water and has reduced high UAW through a meter replacement program. Graham discussed potential effects of the proposed transfer on reasonable instream flow in the donor basin (criterion 5), noting that minimal impacts are anticipated. She also discussed cumulative impacts of the transfer on the Quabbin and Wachusett reservoirs (criterion 7), noting that the MWRA system has sufficient capacity to supply existing demand, and additional demands are not anticipated to reduce reservoir levels to a point of concern, even during a drought. Staff recommends that Ashland also meets criteria 3, 5, and 7 (criteria 4 and 6 are not relevant to Ashland’s case).

Drury reviewed other issues raised by commenters, one of which addressed the timing of Ashland’s proposed water purchase from MWRA. Drury noted that the commission can only review the application as submitted and evaluate the applicant’s compliance with criteria of the Act. The issue of timing falls outside of this scope. Another comment concerned the impact of the proposed transfer on Ashland’s inter-municipal agreement with Hopkinton. Drury explained the contractual arrangement and why MWRA water from Ashland would not enter the Hopkinton distribution system. She also explained that this inter-municipal agreement would not trigger the ITA unless Hopkinton were to purchase more than the 1 mgd previously approved by the WRC in 1999.

Drury outlined six conditions Ashland must meet, should the commission approve the interbasin transfer, including continuing its demand management program; updating its Emergency Response Plan and developing a Drought Management Plan; continued compliance with water conservation performance standards; submitting annual progress reports on its meter replacement program; and not selling MWRA water outside of its town and its normal service area without approval by the WRC.

Drury outlined next steps in the ITA review process, including a public hearing on the staff recommendation, further discussion at the October 11, 2018, commission meeting, and a vote on the staff recommendation. She noted that the commission must complete the review process and make a decision on the application by November 19, 2018.

Weismantel expressed concerns and requested clarification on several matters, including:

- Maximum-day use and whether the transfer will affect Ashland's ability to continue to sell water to Hopkinton. Drury responded that Ashland has an obligation to provide water to Hopkinton. Drury also explained limits under the Water Management Act on Ashland's ability to withdraw water.
- Triggers for shutting down Ashland's wells and how that relates to the timing of Ashland's purchase of water from MWRA: Rao and Small explained the rationale for the well-shutoff triggers based on water levels in the Hopkinton reservoir. Drury added that it is up to the town to determine when and how much water it will purchase from MWRA, noting that the ITA approval is based on capacity. As long as Ashland does not exceed the amount approved by the commission, the town can purchase water at different levels of the reservoir and times of the year. Carroll noted that the staff recommendation is as clear as it can be, within jurisdiction that the commission has. Drury referred Weismantel to the "Other Issues Considered" section of the staff recommendation.
- The relationship between the capacity approved under the ITA and the amount that Ashland might purchase: Card explained that Ashland may purchase less water than the amount approved for transfer under the ITA.
- Emergency interconnections (for either supplying or receiving water) with other towns: Small outlined existing emergency connections with Framingham, Southborough, Holliston, Hopkinton, and Sherburn (for private wells).
- Whether the requested transfer is part of a larger request by a regional system: Card explained that Ashland's application started before the new ITA regulations allowing the regional approach were promulgated and that the current request is for Ashland only.
- DCR's compliance with water conservation best practices in its operation of the Hopkinton Reservoir and other recreational assets: Drury explained that she had discussed Weismantel's concerns with DCR staff. DCR is obligated to manage the swim areas for public health and the dam for flood control, and any changes to DCR's management and use of the recreational areas would require an act of the legislature.

Doug Fine arrives.

Discussion ensued on flood control practices and the timing of controls of water levels in the lake.

Rao clarified that some of the concerns expressed are not criteria that need to be considered under the ITA, though these may be issues that warrant a separate discussion.

Cambareri requested clarification on:

- The evaluation of in-basin sources: Drury and Small explained that multiple issues made development of potential in-basin sources problematic.
- Ashland's future water demand: Drury noted that the EIR included demand projections. She also explained that the proposed transfer is meant to supplement, not replace, Ashland's existing sources. The proposed transfer represents the maximum the town may need in the future.
- The analysis of cumulative impacts and how 10 mgd was calculated as MWRA's potential additional demand: Drury explained that cumulative impacts represent recently approved Interbasin Transfers as well as potential future demand the MWRA is considering. The analysis indicates that MWRA has sufficient capacity to serve other communities. Card added that water use has been trending downward as a result of conservation. She explained that, once the ITA process is complete, Ashland also must complete the MWRA admission process, which includes an evaluation of the impact of Ashland's request on existing member communities.
- Clarification on how often MWRA's requirements for water releases, contained in the Corps of Engineers' permit, are invoked: Drury responded that MWRA always meets the permit requirements.
- The calculation of 6 mgd as potential future need for the fish hatchery: Graham explained that estimated fish hatchery needs are in addition to the estimated community needs.

In the course of discussion, staff offered to follow up on a number of items:

- Clarification on Ashland's maximum-day use (Weismantel)
- Copy of the town meeting vote on well-shutoff triggers (Weismantel)
- Water demand projections for Ashland (Weismantel and Cambareri)

Drury reiterated next steps. She invited comments on the staff recommendation, noting that comments will be reflected in the next iteration of the staff recommendation, which will be presented at the October 11 commission meeting. Rao thanked all who participated for their thoughtful review and discussion.

Agenda Item #4: Presentation: Water Conservation Implementation and Initiatives at the Department of Conservation and Recreation (DCR)

Rao noted the work of WRC staff on updating the Water Conservation Standards, explaining that staff has also been working in a parallel effort with others on advancing water conservation within DCR's operations. Rao introduced Stephen Brown of DCR to review these initiatives.

Brown provided background on DCR, explaining the challenges of managing a broad portfolio of natural, cultural, and recreational assets throughout the state, encompassing hundreds of thousands of acres of land, the watershed of the drinking water supply for 2.5 million residents, and everything from campgrounds and beaches to street lights.

Brown introduced DCR's role in implementing two Executive Orders – EO484, Leading by Example (LBE), and EO515, Environmental Purchasing – related to clean energy, efficient

buildings, and purchasing of products that improve efficiency and the environment. He explained that the LBE program is a collaborative effort among state agencies and is driven by numeric targets and accountability for reductions in energy and water use. He noted significant progress in meeting energy reduction targets at state facilities. He invited the Water Resources Commission to take an active role in the LBE Council to advocate for water conservation efforts.

Brown noted that EO484 provides specific targets for water-use reduction: “Reduce potable water use, as compared to 2006, by 10% by 2012 and 15% by 2020.” He highlighted two challenges in meeting these targets. The first challenge is the difficulty of collecting data on water use and costs, making it difficult to establish a baseline and measure progress. He described a potential pilot project to address this challenge, focusing on approximately 100 accounts in the Boston Water and Sewer Commission service area, which represent almost one million dollars per year in water-related expenditures. He also explained the need to evaluate results from water conservation upgrades that have been completed.

Brown described work done with the state’s Division of Capital Asset Management and Maintenance (DCAMM) at DCR facilities through the Accelerated Energy Program (AEP), now the Utility Vendor Program. He noted that WRC staff has advocated for inclusion of water conservation measures in this program and developed water conservation guidelines for the program’s auditors and contractors, as well as for DCR Operations staff.

Brown explained the second challenge, the difficulty of justifying expenditures on water conservation efforts, given the preference for payback periods of ten years or less and upgrades that are “easy to do.” He highlighted related challenges, such as water conservation upgrades that may trigger building and plumbing code compliance issues, resulting in significant increases in the cost of the upgrades.

He highlighted successes and collaborative efforts in implementing water conservation measures at both new facilities, such as the Walden Pond Visitor Center, a LEED-Gold facility, and existing facilities, such as Pilgrim Memorial Park in Plymouth, where guidelines were provided for landscaping improvements and irrigation system efficiency.

Brown concluded by noting that change is neither quick nor easy. He highlighted the importance of engaging decision-makers and individuals with stakes in the outcome. He also noted that the Water Conservation Standards provide an impetus for moving forward with implementing water efficiency improvements. He noted the importance of providing case studies to demonstrate how the water conservation standards have been implemented.

Downs thanked Brown and requested an update at a future meeting on how DCR is addressing stormwater pollution.

Several of those in attendance thanked Brown for serving as a tireless champion of water conservation within DCR and other state agencies through his work with the LBE program, DCAMM, and the Department of Energy Resources.

Meeting adjourned, 3:08 p.m.

Documents or Exhibits Used at Meeting:

1. WRC Meeting Minutes:
 - a. April 12, 2018
 - b. June 14, 2018
 - c. July 12, 2018
2. Documents related to the Ashland interbasin transfer application:
 - a. Staff Recommendation Part 1
 - b. Staff Recommendation Part 2
 - c. Agency Comments Received
 - d. Public Comments Received
 - e. Public Hearing Notice: Ashland Interbasin Transfer Staff Recommendation
 - f. Comments Received after the Close of the Public Comment Period
3. Link to DEP Pleasant Bay Permit Information: <https://pleasantbay.org/programs-and-projects/watershed-planning/pleasant-bay-watershed-permit>
4. Interbasin Transfer Act project status report, 30 August 2018
5. Hydrologic Conditions in Massachusetts, August 2018 (available at <https://www.mass.gov/water-data-tracking>)
6. Presentation by Michele Drury and Erin Graham: Ashland's Request to Join the MWRA under the Interbasin Transfer Act (<https://www.mass.gov/files/documents/2018/09/25/ashland-ita-staf-rec-2018-09-13.pdf>)
7. Presentation by Stephen Brown: Department of Conservation and Recreation Water Conservation Strategy and Initiatives (<https://www.mass.gov/files/documents/2018/09/25/dcr-watercons-strat.pdf>)

Compiled by: mjm

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.