



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

Meeting Minutes for June 11, 2015

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

Minutes approved September 10, 2015

Members in Attendance:

Kathleen Baskin	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)
Douglas Fine	Designee, Department of Environmental Protection (MassDEP)
Catherine deRonde	Designee, Department of Agricultural Resources (DAR)
Tim Purinton	Designee, Department of Fish and Game (DFG)
Todd Callaghan	Designee, Massachusetts Office of Coastal Zone Management (CZM)
Thomas Cambareri	Public Member
Raymond Jack	Public Member
Bob Zimmerman	Public Member

Members Absent

Paul Matthews	Public Member
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Others in Attendance:

Michele Drury	DCR
Jennifer Pederson	Mass. Water Works Assn.
Philip Guerin	Worcester DPW&P
Michael Knox	Cherry Valley-Rochdale Water District
Amanda Cavaliere	Tata & Howard
Paul Howard	Tata & Howard
Marielle Stone	MassDEP
Duane LeVangie	MassDEP
Linda Hutchins	DCR
Sara Cohen	DCR
Marilyn McCrory	DCR
Erin Graham	DCR
Laila Parker	DFG

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

Agenda Item #1: Executive Director's Report

Baskin announced that DAR's nutrient regulations (330 CMR 31) were recently promulgated. These will help communities meet EPA's requirements for reducing nutrients, in compliance with Municipal Separate Storm Sewer System (MS4) permits. She commended DAR and DEP for their efforts on the regulations.

Baskin noted that WRC and DEP staff continue to engage in river basin planning and provide information at public meetings about renewals of Water Management Act permits and the water needs forecasting process. Recent meetings were held in the Concord River and Islands basins. Upcoming meetings will be scheduled in September in the Ten Mile River and Westfield River basins.

Baskin noted that Bruce Hansen has retired and acknowledged his service. She introduced Erin Graham to provide the hydrologic conditions report.

Graham provided an update on conditions for May 2015 (the hydrologic conditions report can be found at <http://www.mass.gov/eea/agencies/dcr/water-res-protection/water-data-tracking/precipitation-composite-current-conditions.html>). Rainfall statewide was 28 percent of the long-term average for May, with some variation across the regions. Precipitation deficits ranged from four to seven inches over the past three months, and precipitation values are now within the Drought Management Plan thresholds. Groundwater levels in three regions were below normal. Streamflows were mostly below normal in all regions and reached the Advisory level in three regions. The Drought Monitor indicates a moderate drought in much of Massachusetts, and abnormally dry conditions in the remaining areas.

Baskin noted that the Drought Management Task Force is scheduled to convene June 18 to review parameters in the Drought Management Plan and determine whether to advise the Secretary of Energy and Environmental Affairs that the state or certain regions have met the criteria for a drought declaration. She added that she will keep the Water Resources Commission apprised.

Cambareri announced that the governor had signed the \$3.5 million Cape Cod 208 Plan update, which outlines plans for wastewater management for coastal waters and described benefits of the program.

Agenda Item #2: Vote on the Minutes of April 2015

Baskin invited motions to approve the meeting minutes for April 9, 2015.

V	A motion was made by Purinton with a second by Balzotti to approve the meeting minutes
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E	The vote to approve was unanimous of those present, with one abstention (Cambareri).

Zimmerman arrives.

Agenda Item #3: Staff Recommendation on the Request for Determination of Insignificance under the Interbasin Transfer Act from the Cherry Valley and Rochdale Water District

Baskin acknowledged representatives of the Cherry Valley and Rochdale Water District (CVRWD) and Worcester Department of Public Works. She acknowledged the hard work on this request on the part of the proponent and staff from several state agencies. She introduced Michele Drury and Linda Hutchins of DCR.

Drury provided background on the request, noting that the district is trying to address issues in meeting water quality requirements at its water treatment plant and is seeking to purchase water from Worcester as an alternative to an upgrade of its treatment plant, which was found to be not cost effective.

Hutchins reviewed the technical details of the request, noting the current water sources and service area of the district and describing Worcester water supply sources and the transfers in and out of three basins (the Nashua, Blackstone, and French basins). She reviewed the calculations that quantified the net transfer as 0.52 mgd.

Hutchins noted that this project is the first to be considered under the Interim Policy on Insignificance under the Interbasin Transfer Act, which was adopted by the Water Resources Commission in December 2014. The policy (at <http://www.mass.gov/eea/agencies/dcr/water-res-protection/interbasin-transfer-act/>) clarifies criteria for evaluating the insignificance of withdrawals substantially derived from a surface water feature. She reviewed the criteria and summarized the staff recommendation that the request meets the criteria and can be found to be insignificant.

Comments, questions, and responses:

- Callaghan: what time period was used to determine average rainfall and was the record for just that region? Hutchins: the whole period of record (from 1900) maintained by DCR for that region was used.
- Zimmerman noted that the request doubles authorized withdrawals and asked why an increase is needed. Drury responded that an Interbasin Transfer Act approval is for maximum day, not average day, withdrawals.
- Zimmerman asked about the life expectancy of the treatment plant and commented that the district could consider alternative ways of obtaining water without taking it from storage and, at the same time, obtain revenue for the town.
- Pederson: why has it taken so many years to come up with a solution to address a public health issue? Baskin responded that the regulations were designed to address withdrawals from a river rather than a reservoir, and this made it difficult to satisfy the criteria for insignificance under the Interbasin Transfer Act (ITA). She added that the interim policy adopted by the Commission provided a pathway and is intended to be included in revisions to the ITA regulations.
- Purinton: Are there any conditions attached to the determination of insignificance? Baskin: by virtue of finding the transfer insignificant, the Commission does not attach conditions. However, the district's Water Management Act permit will include water conservation conditions. Hutchins added that agency staff devoted considerable effort to identifying feasible and commensurate opportunities for flow augmentation or mitigation, but were unable to identify suitable measures.

There was some discussion of cumulative impacts. Zimmerman commented that the withdrawals should be evaluated in the context of continual large diversions from the Nashua and Swift rivers and that the project offers an opportunity to reduce water demand and restore flows to the Nashua River. Baskin acknowledged the issue of cumulative impacts and noted that the proposed revisions to the ITA regulations would require tracking of cumulative impacts of withdrawals found to be insignificant, with the understanding that a threshold will be triggered at some point. Drury added that the current regulations require consideration of cumulative impacts.

Baskin invited comments by June 18. She added that the Commission will vote on the staff recommendation at the July 9 meeting. Drury added that, by regulation, the Commission must make a decision by July 16, unless the proponent agrees to extend the deadline.

Agenda Item #4: VOTE: Final WRC Work Plan, FY 2016

Baskin noted that no comments had been received to date on the draft Work Plan, which the Commission had discussed at its May meeting. Carroll invited questions or comments on the Work Plan. Purinton noted the governor's Executive Order 562 regarding regulation review and asked if there was time for staff to do what was contemplated. Baskin confirmed that the Commission would accommodate anything the governor's office needs.

V	A motion was made by Purinton with a second by Zimmerman to adopt the Water Resources Commission Work Plan for Fiscal Year 2016.
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Pederson inquired about the status of the public member vacancy on the Commission. Baskin responded that EEA is aware of the vacancy and is taking action on appointments to boards and commissions.

Baskin provided an update on the status of the revision of the Water Conservation Standards. She noted that, in light of the governor's request to consider regulations under EO 562, there will be a delay in scheduling a time to bring the full document to the Commission for review, discussion, and a vote. She added that staff will continue working on the document, addressing comments, and holding policy discussions with the Commission on specific topics.

Meeting adjourned, 1:50 p.m.

Documents or Exhibits Used at Meeting:

1. WRC Meeting Minutes for April 9, 2015
2. Draft Staff Recommendation for WRC Discussion, June 11, 2015. Request for Determination of Insignificance Under the Interbasin Transfer Act (MGL Chapter 21 Sections 8B - 8D): Cherry Valley and Rochdale Water District, Request to Purchase Water from the City of Worcester
3. Final WRC Work Plan, FY2016
4. Public Notice dated May 15, 2015: Schedule for Preparation of Water Needs Forecasts for Public Water Suppliers with Water Management Act Permits in the Islands Basin
5. Interbasin Transfer Act project status report, May 27, 2015
6. Current Water Conditions in Massachusetts, June 11, 2015
7. Presentation by Linda Hutchins: Cherry Valley/Rochdale WD Interbasin Transfer Act Determination of Insignificance: Staff Recommendation

Agendas, minutes, and meeting documents are available of the web site of the Water Resources Commission at www.mass.gov/eea/wrc under "MA Water Resources Commission Meetings."