



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

Meeting Minutes for April 9, 2015

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

Minutes approved June 11, 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)
Michele Drury	Designee, Department of Conservation and Recreation (DCR)
Bethany Card	Designee, Department of Environmental Protection (MassDEP)
Catherine deRonde	Designee, Department of Agricultural Resources (DAR)
Tim Purinton	Designee, Department of Fish and Game (DFG)
Raymond Jack	Public Member
Bob Zimmerman	Public Member

Members Absent

Todd Callaghan	Designee, Massachusetts Office of Coastal Zone Management (CZM)
Thomas Cambareri	Public Member
Paul Matthews	Public Member

Others in Attendance:

Nancy Hammett	Citizen
Jeff Stillman	Black and Veatch
Peter Weiskel	USGS
Bruce Hansen	DCR
Jennifer Pederson	Mass Water Works Association
Erin Graham	DCR
Julia Blatt	MA Rivers Alliance
Sara Cohen	DCR
Vandana Rao	EOEEA
Duane LeVangie	Mass DEP
Julie Butler	Mass DEP
Doug Fine	Mass DEP
Andrea Downs	MWRA Wastewater Advisory Committee
Lexi Dewey	MWRA Water Supply Citizens Advisory Committee
Pine du Bois	Jones River Watershed Association
Marilyn McCrory	DCR

Baskin called the meeting to order at 1:01 p.m.

Agenda Item #1: Executive Director's Report

Baskin welcomed new Commission members Linda Balzotti of the Department of Housing and Community Development and Doug Fine of the Department of Environmental Protection (DEP). Fine will replace Beth Card as DEP's representative on the WRC. Card introduced Julie Butler, who recently joined DEP's staff for the Water Management Act Program.

Baskin mentioned that the agencies are awaiting guidance on Executive Order 562 to Reduce Unnecessary Regulatory Burden.

Hansen provided an update on the hydrologic conditions for March and April 2015.

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

Baskin invited motions to approve the meeting minutes for March 12, 2015.

V	A motion was made by Card with a second by Jack to approve the meeting minutes for March 12, 2015. The vote to approve was unanimous of those present.
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Agenda Item #3: Discussion: Update on Water Management Act Permitting Process and Water Needs Forecasting

Michele Drury provided an update on the development of water needs forecasts (WNFs) associated with the Water Management Act (WMA) permit renewals. The update included a map summarizing which basins have final WNFs and which are being revised. Drury reviewed the criteria for revision and provided the total number of revisions along with how many showed increased versus decreased WNFs. Drury also provided a summary of temporary allocations to date and their current status, noting that four of twenty-two public water supply systems that had previously received temporary allocations had provided sufficient data to allow water needs forecasts to be completed.

Duane LeVangie provided an update on the WMA permit renewal process, starting with a summary of permit expiration dates and outreach meetings for all 27 basins. For the seven basins that have had their outreach meetings, LeVangie summarized where they stand regarding key permit requirements, including permit tiers, cold water fisheries, and whether minimization is expected to be required for Public Water Supply (PWS) and non-PWS permit holders. Lastly, he described the process for Cold Water Fishery (CFR) consultations and summarized the status of these by basin for the seven basins. LeVangie also briefly described the process agency staff have followed as they prepare for basin outreach meetings and assess current basin conditions.

Comments, questions, and responses:

Purinton: How do you handle WNF for communities in two basins?

Drury: We project what the community needs for water but not whether and/or where it is available. That determination is made by DEP.

Purinton: Are the tier projections DEP's?

LeVangie: Yes, based on best professional judgment. The applicant will have the opportunity to review the Order to Complete (OTC) and amend if they disagree.

DuBois: Can watershed groups comment after OTC is done?

LeVangie: Prefer you comment before but not required. Permit draft will go out with an opportunity to comment.

Agenda Item #4: Discussion: Update on the Revision of the Water Conservation Standards: Chapter 4 (Pricing) and Chapter 8 (Agricultural Water Use)

Baskin introduced Sara Cohen of DCR and Catherine DeRonde of DAR to present proposed revisions to Chapters 4 and 8 of the Water Conservation Standards.

Chapter 4, Pricing – proposed revisions

Cohen began with a short overview of the revision process to date and a description of the intent behind the standards and recommendations. She emphasized that although the document looks like a large amount of redline, it largely reflects a shift in emphasis on water rates meeting multiple goals. The chapter tries to avoid presenting a conflict between water conservation and income.

Cohen summarized proposed changes to the two standards included in this chapter: Standard 1, Full cost recovery included two revisions. The list of items was revised and updated, and the standard title was changed from full-cost pricing to full-cost recovery to reflect funding mechanisms other than pricing.

Standard 2 was strengthened. It does not specify a particular rate structure but states that price signals should be used to reduce inefficient and nonessential use. The emphasis shifts from simple increasing block rates to newer, more nuanced tools for establishing price tiers that better align with the margins between essential and nonessential use. The standard continues to state that decreasing block rates should not be used and specifies where they are not permitted by law.

DuBois: If the highest users are paying the same as the lowest, is it a decreasing block rate? Without seeing the specific rate structure, Cohen was not sure. DuBois responded that a structure like this is being considered, where the blocks increase incrementally in unit price until the highest usage block, which then drops substantially in unit price.

Blatt: What do you mean by equity (referring to where chapter states that simple increasing block rates have been found in some cases to be less equitable than budget-based tier structures that take into account factors like customer type or household size)? Cohen gave examples of how simple increasing block rates can result in unintended consequences, such as where residents of a multifamily unit or members of a large household are using water efficiently but trip a higher block rate due to the number of people associated with the account, while a single-family unit using water inefficiently may not trip the block. In this case, the inefficient users are paying lower unit costs than the efficient users.

Blatt: Did not see environmental cost explicit in full-cost recovery. Cohen clarified that environmental costs were intended to be captured in regulatory and permitting costs. Blatt expressed a preference that the standard include them explicitly. Cohen explained that some in the work group were not comfortable with that approach. They were concerned that it could imply that all costs due to the revisions to water management regulations should be borne by the water supply budget. Blatt pressed that she would like environmental costs to be explicit, and Cohen acknowledged the concern.

Cohen summarized the chapter's six recommendations.

DuBois suggested that municipalities may not want monthly billing due to cost of administration. Could the standard suggest monthly billing in the summer only?

Pederson: Need recognition that changing billing systems may require a significant investment, which could be prohibitive for some water supply systems. Cohen responded by reading the

text intended to be responsive to this concern and asked Pederson to follow up if she had further suggestions.

Chapter 8, Agricultural Water Use – proposed revisions

DeRonde started by explaining that there was not a work group for Chapter 8. Due to the large number of agricultural commodities grown in the state, agricultural water use is extremely diversified and commodity specific. To include all of the commodity's specific practices within this document would be much too detailed for the Water Conservation Standards document, representing hundreds of pages. Commodity associations exist in each of the state's agricultural industries, each with its own work group to guide best management practices within their fields, including best management practices for water use. Rather than duplicate and reiterate the work of each association, Chapter 8 directs readers to reference the commodity-specific water conservation practices, which are provided at the end of the chapter.

DeRonde explained that the first standard is an existing standard, without proposed changes. The second proposed standard acknowledges the importance of soil to agriculture. Healthy soils will help reduce runoff, reduce watering needs, and improve plant health. Following a description of the two standards, she summarized the eight recommendations.

Hansen noted that the chapter did not mention reuse. This could be encouraged for cranberry growers.

Jack: Agriculture received a pass with these standards. Jack said he would like to see more specifics. He highlighted cranberry growers as a major water user that should get greater consideration within the document.

Baskin committed to taking another look at adding more detail to this chapter.

Blatt: How much of the use is registered only?

LeVangie: Most of the cranberry growers are registered only. Those with permits are subject to strict water conservation BMPs.

DuBois: Appreciates Jack's comments. Cranberry bogs have been expanded upon and in the Jones River watershed, the bogs pump directly out of the river, impinging and entraining fish larvae. Every time the pump is turned on, there is damage. DuBois requested an acknowledgement at the beginning of this chapter that water is a shared resource and that all growers develop a farm plan to minimize their impacts.

Pederson suggested the WRC could see the informative presentation from Brian Wick of the Cranberry Growers Association, recently presented to the DEP Water Resources Advisory Committee.

Butler: What percent of all agricultural users are cranberry growers? Has it decreased in recent years?

DeRonde: There are approximately 400 cranberry growers in the state. It is the second largest agricultural industry in the state by value, representing twenty percent of the state's agricultural value.

Cohen asked to revisit pricing standard number 2 to clarify that rate structures as simple as seasonal rates or increasing block rates could meet the standard in that they distinguish between essential and inefficient/nonessential use.

Pederson: This falls better as a recommendation than a standard. It will be difficult because every community approaches this differently.

Cohen: The intent was to allow for flexibility.

Hammett: The intent was not to try to force one approach for rates, but to offer a lot of resources and allow towns to make their own decision, choosing an approach to match their circumstances. It allows for a simple approach or a more complicated one.

LeVangie clarified that the presentation handouts are missing a couple of details added later. If anyone needs exactly what was presented, see WRC website.

Pederson: When do you want comments on these two chapters?

Baskin: by the next meeting if possible

Blatt: Can we wait and send one letter on all the chapters?

Baskin: yes.

Meeting adjourned, 2:41 p.m.

Documents or Exhibits Used at Meeting:

1. WRC Meeting Minutes for March 12, 2015
2. Draft revisions, Massachusetts Water Conservation Standards:
 - Chapter 4, Pricing – draft, redline
 - Chapter 4, Pricing – draft, clean version
 - Chapter 8, Agricultural Water Use – draft, redline
 - Chapter 8, Agricultural Water Use – draft, clean version
3. Public Notice dated March 16, 2015: Schedule for Preparation of Water Needs Forecasts for Public Water Suppliers with Water Management Act Permits in the Boston Harbor and Taunton River Basins
4. Interbasin Transfer Act project status report, March 26, 2015
5. Current Water Conditions in Massachusetts, April 12, 2015
6. Correspondence dated April 8, 2015, from Massachusetts Water Works Association to Water Resources Commission regarding Comments on Revisions to Chapters 2 and 3 Water Conservation Standards
7. Presentation by Michele Drury and Duane LeVangie: Update on Water Needs Forecasting and Management Act Permitting
8. Presentation by Sara Cohen and Catherine DeRonde: Revisions to the Massachusetts Water Conservation Standards – Chapters 4 (Pricing) and 8 (Agriculture)

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