THE COMMONWEALTH OF MASSACHUSETTS

WATER RESOURCES COMMISSION

100 CAMBRIDGE STREET, BOSTON MA 02114

Meeting Minutes for May 9, 2013

Water Resources Commission Retreat

100 Cambridge Street, Boston, MA, 10:00 a.m.

Minutes approved June 20, 2013

Members in Attendance:

Kathleen Baskin	Designee, Executive Office of Energy and Environmental Affairs (EEA)
Marilyn Contreas	Designee, Department of Housing and Community Development (DHCD)
Jonathan Yeo	Designee, Department of Conservation and Recreation (DCR)
Bethany Card	Designee, Department of Environmental Protection (MassDEP)
Gerard Kennedy	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
Paul Matthews	Public Member
Bob Zimmerman	Public Member

Members Absent

John Lebeaux	Public Member

Others in Attendance:

Bruce Hansen	DCR
Anne Carroll	DCR
Vandana Rao	EEA
Linda Hutchins	DCR
Erin Graham	DCR
Laila Parker	DGF, Div. of Ecological Restoration
Sara Cohen	DCR
Michele Drury	DCR
Margaret Callanan	EEA
Marilyn McCrory	DCR

Baskin called the meeting to order at 10:10 a.m.

Agenda Item #1: Water Resources Commission Roles and Responsibilities

Baskin commented that the intent of this meeting was to identify the water resources interests and priorities of commission members. She noted that the authority and responsibilities of the Water Resources Commission are discussed in the *Commissioner Handbook*.

Rao provided highlights on the history of the commission and the commission's roles and responsibilities, as outlined in its enabling act (MGL c. 21A §§8A to 8F). She noted that the

Water Resources Commission has been the lead water-policy-setting body for the commonwealth since 1956. She discussed the commission's responsibility for developing a water resources management policy framework, including a Water Supply Policy Statement to be updated every five years. She described the original policy statement as a milestone in setting policy and leading to adoption of such key laws as the Interbasin Transfer Act and Water Management Act. She also discussed the commission's role in coordinating functions among the environmental agencies, all of which are represented on the commission. She noted the commission's role in commenting on all policies and annually reviewing and commenting on all programs relating to water resources management.

WRC staff members discussed other responsibilities listed in the enabling act, including cooperative programs with the federal government and other state entities, development and updating of water resources management plans for river basin plans, and development of water allocation criteria, a management information system for water resources information, and an education program.

Hutchins described in detail the cooperative program with the U.S. Geological Survey and the benefits this brings to Massachusetts, and the National Weather Service, particularly on issues related to climate, droughts, and flooding. There was some discussion of the Army Corps of Engineers as a potential partner on dam removal, flood control, and ecosystem restoration projects. Jack noted that the Corps stopped funding projects in 2003 because of budgetary constraints and noted the need for the Corps to remain engaged in major infrastructure issues such as dam removal. Purinton commented that though the Corps could be part of an approach to dam removal and ecosystem restoration projects, the Corps' requirements for cost match often make projects infeasible. Baskin responded that agency staff would review how the commonwealth worked with the Corps in the past on water resources projects and will pursue discussions with Corps staff about opportunities for working again with the Corps.

Carroll discussed in detail the commission's responsibilities for developing comprehensive water resources management plans for river basins and for developing water allocation criteria. Carroll and Drury discussed past basin planning efforts, and Carroll noted that the next iteration of river basin plans will be done in conjunction with implementation of the Sustainable Water Management Initiative (SWMI).

Cohen discussed the commission's responsibility for developing a management information system and data processing capability for the central collection, storage, and retrieval of water resource management information. She described recent efforts to develop a comprehensive database for water resources data, and noted that moving this effort forward would greatly facilitate basin planning and related efforts. She requested ideas and support for this initiative. Baskin commented that this need can again be brought to the Information Technology Governance Board. Card noted that MassDEP is embarking on a multiyear effort to overhaul its information technology systems and suggested coordinating agency efforts to avoid duplication of effort and working at cross-purposes.

Hansen discussed collection and management of climatological data. He described the network of more than one hundred stations that provide rainfall data and noted that DCR has rainfall data going back to the early 1800s, providing a basis for analysis of trends. He noted that data indicate a trend in increasing rainfall since 1965. He also noted the need for collection of evapotranspiration data. Baskin added that a volunteer currently serves as state climatologist, and a more permanent arrangement, perhaps through one of the state universities, needs to be

established. Hansen noted that most of the data managed by the state climatologist is currently in paper form, and Baskin acknowledged that loss of these data would have serious implications.

McCrory described the commission's responsibility for developing an education program encouraging broad public participation and emphasizing long-term water resource and wastewater planning and management. She noted examples of current educational efforts and requested the commission's ideas on what could constitute a more robust education program.

Jack commented that education is an important component of the commission's work and urged a stronger effort in educating the public and local governments about the roles and responsibilities of state agencies. He commented that local governments need guidance on issues related to redevelopment activities in their communities, including guidance on regulations and how to make decisions. He also urged more effort at collaboration rather than confrontation among parties who often share the same interests and goals, and cited the Sustainable Water Management Initiative as an example of a collaborative effort. He added that better guidance by government entities will result in outcomes that meet environmental and other objectives.

Matthews arrives.

Purinton agreed with Jack and suggested that an annual report sent to every community and water supplier would be a good vehicle for education, communication, and connecting people to state agency programs. Baskin acknowledged Purinton's suggestion and cited the annual reports produced by the Division of Ecological Restoration as a good model. Purinton offered to assist in providing content and information for an annual report by the commission.

Purinton and Kennedy asked for clarification on the organization, staffing, and funding of the commission. Yeo and Drury provided background and history of the role of EEA and DCR staff in supporting the commission's work, and Yeo commented that the commission relies on all the environmental agencies to accomplish its work.

Agenda Item #2: Water Resources Commission Roundtable and Policy Discussion

Baskin introduced the discussion by describing the composition of the commission and the interests represented by the public members. She then invited commission members to describe their interests and top concerns related to water resources. Each commission member described his or her background, gave a brief overview of what they and their organizations do, and highlighted a few key concerns and priorities. In the course of the discussion, Purinton encouraged the Water Resources Commission to seize the opportunity to go in bold new policy directions and to set new standards, recognizing that issues related to water are only ascending in importance both regionally and nationally. Key concerns and priorities outlined by commission members included:

- Education and engaging the public in issues related to water:
  - Education to foster a greater understanding of water as a resource and to encourage the public to change behavior related to water use (Jack, Zimmerman, and Matthews)
  - Education about why water is important and the true cost of having clean water available (Card)
  - Changing ways of thinking about wastewater so that it is regarded as a resource rather than a problem (Jack and Zimmerman)
  - The need to continue to work with water suppliers and municipal entities to assist them in communicating the importance of water resources (Yeo)

- Developing policies based on the information developed through the Sustainable Water Management Initiative (SWMI):
  - Incorporating the groundbreaking science from SWMI and SWMI policies into everyday thinking and other areas of policy and decision-making besides Water Management Act regulation and permitting (Purinton and Baskin)
  - How to mitigate for the impacts of water withdrawals and pay for mitigation (Card)
  - Application of sustainable management principles to deliberations about allocation of water from the Massachusetts Water Resources Authority to new communities (Contreas)

- Restoration of environmental flows:
  - Elevating the issue of restoring environmental flows and considering surcharge as well as depletion in restoration discussions (Purinton)
  - Bringing about the transformative changes needed to manage water, wastewater, and stormwater as a whole system and in ways that mimic the way nature works (Zimmerman)

- Wastewater collection, disposal, and reuse:
  - Alternatives to central wastewater treatment and disposal; economically feasible ways to abandon centralized wastewater collection and disposal systems and stormwater management systems (Matthews and Zimmerman)
  - Protection of the ocean basin and finding alternatives for disposal of wastewater discharges from central wastewater treatment plants (Callaghan)
  - How communities make decisions about where treated wastewater will be discharged, particularly in coastal areas (Callaghan, Cambareri)
  - Contamination issues, including ways to reduce nitrogen loading (Cambareri)
  - Developing policies and innovative technologies to allow beneficial reuse of wastewater in agriculture and rural areas (Kennedy)

- Data management:
  - Collecting and managing the most robust and scientifically valid information to provide a strong foundation for decision-making about water, wastewater, stormwater, and nonpoint sources (Card)

- Mechanisms to pay for environmental protection priorities:
  - Aging infrastructure and the commission's role in finding ways to make sure infrastructure is updated when needed (Matthews)
  - Guiding communities in setting appropriate rates for water and wastewater services (Card)

- Efficient use of water and resource protection:
  - Developing water policies that are consistent with the goal of maintaining working farms; food security is not possible without water security (Kennedy)
  - More sustainable irrigation practices and more efficient irrigation infrastructure for agriculture (Kennedy)
  - The threat of water withdrawals on surface water ecosystems, particularly on Cape Cod (Cambareri)

- Climate change:
  - Keeping track of climate change data and the effects of climate change on marine and coastal resources (Callaghan)
  - Climate change adaptation (Baskin)

- The role of the commission:
  - The importance of finding common ground among various constituencies on restoring environmental flows, water conservation, and other issues related to water (Purinton, Matthews)
  - Incorporating broad issues brought to the commission, such as climate change, to issues on which the commission deliberates, such as interbasin transfers, flood control management, and the water conservation standards (Contreas)
  - Building on the interagency collaboration model provided by SWMI (Purinton)

Agenda Item #3: Open Meeting Law Primer

Callanan provided an overview of the Open Meeting Law (MGL c. 30A, §§18–25). She reviewed the purpose and key principles of the law, described key definitions and requirements, outlined exceptions, and described the circumstances and requirements for entering executive session. She also outlined the complaint process and the remedies, including civil penalties, available to the Attorney General's Office.

Meeting adjourned, 12:20 p.m.

Documents or Exhibits Used at Meeting:

- The Massachusetts Water Resources Commission. Commissioner Handbook. February 2009.
- Presentation by Margaret Callanan, Executive Office of Energy and Environmental Affairs. Open Meeting Law, MGL c. 30A, §§18–25 (available at http://www.mass.gov/eea/air-water-climate-change/preserving-water-resources/partners-and-agencies/water-resources-commission/ma-water-resources-commission-meetings.html).
- Code of Massachusetts Regulations, Open Meetings (940 CMR 29.00).
- Open Meeting Law: MGL c. 30A, §§18–25
- Commonwealth of Massachusetts. Office of Attorney General Martha Coakley. Open Meeting Law Guide. March 12, 2013. The law, regulations and guide are available at the Open Meeting Law website: http://www.mass.gov/ago/government-resources/open-meeting-law/.