



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

Meeting Minutes for September 8, 2022

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

Minutes approved December 8, 2022

Members in Attendance:

Vandana Rao	Designee, Executive Office of Energy and Environmental Affairs (EEA)
Linda Balzotti	Designee, Department of Housing and Community Development (DHCD)
Vanessa Curran	Designee, Department of Conservation and Recreation (DCR)
Duane LeVangie	Designee, Department of Environmental Protection (MassDEP)
Todd Richards	Designee, Department of Fish and Game (DFG)
Hotze Wijnja	Designee, Department of Agricultural Resources (DAR)
Thomas Cambareri	Public Member
Vincent Ragucci	Public Member
Kenneth Weismantel	Public Member
Samantha Woods	Public Member

Members Absent

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

Erin Graham	DCR, OWR
Kara Sliwoski	DCR, OWR
Viki Zoltay	DCR, OWR
Sara Cohen	DCR, OWR
Andrea Downs	Wastewater Advisory Committee
Nicole Galambos	MassDEP
Lealdon Langley	MassDEP
Dr. Christine Hatch	UMass Amherst Extension
Jennifer Pederson	Mass Waterworks Association
Katie Ronan	MWRA
Marie-Francoise Hatte	MA Water Resources Research Center
Lexi Dewey	WSCAC
Lisa Kumpf	Charles River Watershed Association
Read Porter	EEA
Kate Bentsen	DFG-DER
Greg Lane	Next Generation Strategies
Katharine Lange	Mass Rivers Alliance
Anne Carroll	DCR, OWR

Rao called the meeting to order at 1:05 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. A roll call vote for attendance of Commissioners was taken and a quorum was present.

Agenda Item #2: Executive Director's Report

The Drought Management Task Force has been meeting on a biweekly basis, and Rao acknowledged that these frequent meetings require a lot of work and staff time to collect and review the data. Over the last month efforts have been made to reach out to various stakeholders. MEMA and EEA held a virtual meeting with municipal officials and there were over 500 attendees. Secretary Card and MassDEP Commissioner Suuberg both spoke. State Fire Marshal Peter Ostroskey and DCR Fire Chief Dave Celino talked about fire-related issues. Samuel Wong from DPH discussed private well impacts. Additional meetings were held with the water supply community, watershed groups, and regional planning agencies. DPH staff have also reached out to boards of health. The purpose of these meetings is to share information about the drought and the drought declaration process, to get feedback from stakeholders and hear about impacts. The Dept. of Agricultural Resources and their key staff person Michael Botelho who participates in the Task Force is also reaching out to farmers to assess what type of assistance they may need. The federal government has issued a disaster declaration for most MA counties (all except Dukes and Berkshire) which makes federal loans available for the agricultural sector. The Small Business Administration has piggybacked on the USDA declaration, which makes available loans to agricultural and other small businesses impacted by drought. USDA has a low-income grant program for private wells. This information has been updated on the drought management website (www.mass.gov/drought-management). The Task Force met yesterday and made a recommendation to the Secretary to hold steady except in the Southeast Region, which was recommended to improve from Level 3 to Level 2 due to rainfall received in that region.

Rao asked if Commissioners had any questions or items of interest. Cambareri noted that the USGS groundwater network webpage has changed and contains some interesting visuals. Zoltay added that there were some difficulties with the legacy system which contained old code. The new system has been rolled out and is not identical to what was previously available. Products that are missing should be available in the future.

Weismantel asked about the waiving of the MWRA connection fee for communities with contaminated water. Ronan responded that the MWRA advisory board voted to recommend waiving the entrance fee. It will go before the Board of Directors for a final vote next week on Wednesday, for up to 20 MGD for 5 years. Rao added that the vote will take place at the monthly Board meeting which is open to the public and that the proposal is intended to help communities struggling with water quality issues such as PFAS.

Agenda Item #3: Hydrologic Conditions Report and Drought Update

August was a very warm month with some records set. Boston had its 3rd warmest August, and Worcester had its warmest August on record. Boston had 11 days with a high of 90°F or above, which is the most on record for August. Precipitation varied across the state. The Western and Northeast Regions, parts of Cape Cod, and along the northern state border were below normal while parts of the Southeast Region were above normal. Streamflow was significantly below normal, with many record lows and the lowest streamflows yet during this drought.

Groundwater was also low but showed more variation. Most of the individual wells are below normal and similar to streamflow, groundwater is the lowest it's been during this drought. Lakes and Impoundments are varied but most are below the 30th percentile. Keetch Byram Drought Index for Fire Danger was elevated across the state. The Crop Moisture Index showed Level 1

across the state, while EDDI was more elevated. The DMTF had a mid-month meeting and made recommendations to the Secretary. The U.S. Drought Monitor introduced D3 since the end of July. The temperature and precipitation outlooks for September and the next three months showed above normal temps. The monthly and seasonal drought outlook both indicate drought persisting. The hurricane outlook issued on August 4th forecasts an above average season for the Atlantic.

Comments, questions, and responses:

Wijnja asked about the streamflow and noted that the time-series graph illustrates that a burst of precipitation during an otherwise dry period leads to a lot of runoff. Rao agreed and also noted that the Central and Southeast Regions are at their worst index severity levels yet and the Central Region is at the first percentile for streamflow.

Weismantel asked about the Bermuda High, and is the lack of hurricane activity affecting groundwater levels? Graham responded that she would send Weismantel two articles on the Bermuda High. Regarding storm activity there has been less than last year, and Professor Boutt at UMass Amherst does the groundwater tracing so perhaps he can provide an update. Cambareri noted that hurricanes can be perplexing. In 1991 there was a drought on Cape Cod and Hurricane Bob came through but was a dry storm, it was mainly wind on the Cape. Later in 1991 there was the Perfect Storm, which provided a lot of rain and with some other subsequent storms helped with drought recovery. Weismantel said he recalled hearing that several good hurricane events are needed every few years or else it leads to dry conditions.

Agenda Item #4: Vote: Meeting Minutes, June 9, 2022

Rao invited a motion to approve the meeting minutes for June 2022.

V O T E	A motion was made by Cambareri with a second by Balzotti to approve the meeting minutes for June 9, 2022.
	The roll-call vote to approve was unanimous of those present.

Agenda Item #5: Presentation: Update on Sewage Notification Regulations Implementation

Rao reminded the WRC that they had voted on these regulations last year and had requested an update once they were implemented. Rao introduced Langley. Langley is the Director of the Division of Watershed Management at MassDEP. He introduced Galambos who is a new addition to the National Pollutant Discharge Elimination System (NPDES) staff. The sewage notification regulations are at 314 CMR 16.00. The statute was signed into law in January 2021, with regulations promulgated by January 2022. The regulations require public notification of combined sewer overflows (CSOs), partially treated and blended wastewater, and some types of sanitary sewer overflows (SSOs). Other types of SSOs are regulated under 314 CMR 12.00 so MassDEP receives notifications of all SSOs. 217 out of approximately 230 permittees are registered to use the data reporting system. Issuing public advisory notifications and reporting into the data system began on July 6, 2022. Outreach and trainings for these new regulations and the data system were conducted by MassDEP between January and June 2022. MassDEP’s goal was for every permittee to have at least one user registered for the data system. When the reporting began on July 6, there were 19 CSO permittee registered users which is 100% compliance. Around two-thirds of the SSO permittees had a registered user. MassDEP conducted email and phone outreach and are now at 87% compliance for SSOs.

The regulations also required CSO permittees to develop a preliminary public notification plan by May 1, 2022, and a final plan by January 12, 2023. The plans must identify the method for determining discharges and estimating the volume of discharges at each outfall, and must also include information about the permittee's website, signage, and measures to communicate to environmental justice (EJ) populations. All the CSO permittees submitted their preliminary plans on time. SSO public notification plans were due on July 6, 2022 and must describe how the permittee will meet notification requirements, including information about permittee's website, signage, and measures to communicate to EJ populations. Regional staff are now reviewing the CSO and SSO notification plans. Around 80% of the SSO plans were received by the due date. Outreach and follow up has increased compliance to 93%. Ten notices of noncompliance were sent which resulted in the receipt of 7 plans. Follow up continues with the remaining 17 permittees.

The data system collects and organizes data for reporting and analysis. When a permittee has an overflow event they have to send out a public notification to any subscribers which gets the information out quickly. Soon after the event they report into the MassDEP system which collects preliminary event details. Permittees also submit verified reports once they've had the opportunity to check all the data. This information is updated on MassDEP's public portal in near real time and can be found at <https://eeaonline.eea.state.ma.us/portal/dep/cso-data-portal/>. There is also a link that provides answers to frequently asked questions about the data portal: <https://eeaonline.eea.state.ma.us/portal#!/faqs>. The data system can be queried by year, by type of event, volumes, and other parameters.

Comments, questions, and responses:

Rao applauded MassDEP for getting the data portal up and running in a relatively short amount of time. Has there been feedback from anyone who has accessed the data? Langley replied that he hasn't received feedback and noted that the data have been reported for only two months. The drought has likely led to a lower number of overflow events. Galambos added that she hasn't gotten any feedback on the public portal but has received a few questions from permittees on the data input side.

Kumpf: are there any plans to require past data to be uploaded? Langley replied no, the statute did not require past reporting. The statute and regulations put a lot of emphasis on the accurate detections of overflows through metering or accurate modeling. Hopefully there will be an improvement in data quality as compared to the past.

Ragucci: did this week's rain lead to any notifications in the system? Yes it did, reports have been made to the public and into the system.

Pederson noted there are some unintended consequences. A member of Mass WaterWorks is doing a project in a river. A CSO notification went out and the contracted diving company refused to go into the river for two days but expected payment.

Rao asked about the potential for annual updates. Langley noted the statute requires MassDEP to compile an annual report which is due in May each year. Rao suggested this could be included in the WRC packet.

Richards noted that snorkeling surveys could be moved to avoid any health concerns and these notifications will be useful to MassWildlife staff.

Kumpf: can public comments be submitted on the final public notification plans? Langley will need to look back at the regulations. An update was provided after the meeting that public comments can be submitted, with information available at 314 CMR 16.06(2) at this link: <https://www.mass.gov/doc/314-cmr-1600-notification-requirements-to-promote-public-awareness-of-sewage-pollution-1/download>. Final CSO Public Advisory Notification Plans are required to be submitted to MassDEP by January 12, 2023, and public notice in the Environmental Monitor is required at the same time as the plan is submitted to MassDEP. Comments can be submitted for 30 days following publication of the public notice.

Carroll joined at 2:06 pm.

Agenda Item #6: Presentation: MassWildlife Update on Fish Sampling, Tools for Conservation, and Drought

Rao introduced Richards who is one of the WRC's Commissioners and the Assistant Director of Fisheries at MassWildlife. Richards noted the contributions from field and district staff plus state agency, federal, and non-profit partners. There is expected federal funding coming through for aquatic organism passage. Richards reviewed the goals of MassWildlife's Fisheries Program, which are to conduct monitoring and research, provide high quality recreation, and to protect and restore aquatic resources. There are many ways to sample and survey fish, and the goal is to use the best gear for the conditions. Examples include backpack electrofishing and barge electrofishing. Gillnets are used in the Quabbin and Wachusett Reservoirs, which are also the only two places with landlocked salmon and lake trout populations. Gillnets are appropriate to target bottom-dwelling species. Collected fish are identified, measured, weighed, and returned to the wild. The information provided by the fish helps provide information about the habitat.

Staff are actively involved in research projects, which includes collecting novel data and also finding new ways to use the information that's already been collected. Examples include studying lake and pond drawdowns and a regional aquatic biodiversity assessment. Staff are also working with the Northeast Climate Adaptation science center to study coldwater climate refugia. Work is taking place on the Deerfield River which is a very productive and popular fishery. Rainbow trout are stocked and trophy brown trout are present as well. Staff worked for several years to identify whether the trophy brown trout are stocked fish or wild fish and have determined that they are wild.

Methods to protect and restore aquatic resources include regulations, policy development, management plans, and active habitat management. MassWildlife worked with MassDEP to incorporate the coldwater fishery designation into the state surface water quality regulations. In terms of interagency policy development, MassWildlife is collaborating with DCR on revisions to the Practical Guide to Lake Management in MA, which provides guidance on lake management techniques. Many lakes now have updated and improved bathymetry which can be viewed at Go Fish MA! (available at <https://www.mass.gov/info-details/find-a-place-to-fish>). MassWildlife is the lead agency for fish kill notifications and investigations if needed, or if MassDEP Emergency Response needs to be contacted. Active habitat management occurs when stream sections are

dammed or otherwise disconnected. For example, sections of Hamant Brook in Sturbridge that are upstream of the impoundments have wild brook trout, but in the three impoundments the water gets too warm. The three dams are all impassable in an upstream direction. Starting in 2008 MassWildlife began a restoration project that was completed in 2017. Other work includes culvert replacement and improvement.

In terms of providing high quality recreation, angling is a significant industry and contributor to the MA economy. There are over 200,000 licensed freshwater anglers in MA. Fishing is so popular because there is such a variety – coldwater, warm water, stocked, wild, lakes, ponds, rivers and streams. When COVID began, that was the week that trout stocking began, and all the fish were stocked with staff's help. More than 80 EJ communities are stocked with trout, which are not subject to fish consumption advisories, and serve as a great source of protein. One of the major bonuses of providing these opportunities is connecting people with nature, which makes them more likely to protect it. The Spring 2022 volume of Massachusetts Wildlife magazine was an all-aquatics issue that detailed many projects occurring and their implications.

Comments, questions, and responses:

Cohen asked if there is a problem with stocking the trout when there is a functioning wild population? Why did Trout Unlimited ask MassWildlife to stop? Richards responded that they have been largely reducing stocking on top of wild populations. The goal is to provide recreational opportunities so they are minimizing and reducing same-species competition. Trout Unlimited felt that the stocked trout were not helping the wild population.

Carroll expressed appreciation for Richards' and MassWildlife's efforts in revising the Practical Guide.

Pederson asked how this leads back to the work done under SWMI and looking at whether fish populations have improved under policy and regulation changes? Richards replied that it's difficult to quantify changes that have occurred due to land use/impervious cover. There was a missed opportunity to take measurements in the Ipswich River when the Reading wells went offline but measuring before and after would have been useful. Is DPH the only agency looking at PFAS in fish? DEP is running the study to look at fish tissue.

Richards then began discussing drought impacts observed by MassWildlife and Division of Ecological Restoration (DER) staff in the course of their work. Many streamflow sites are approaching the low levels of the 2016 drought. Regardless of any one year's conditions, long term effects are seen if there are frequent droughts. Some streams are now a series of disconnected pools due to low flow, which is further exacerbated by culverts. Some larger rivers are running low and fallfish nests are becoming exposed. Mussels are also affected by low flows. They are somewhat mobile and can move but aren't aware of which direction they are moving in. They can become easy prey in shallow water. If this were to happen several years in a row that would hamper the population's ability to recover. Beaver ponds are low as well which will impact multiple species.

Pederson asked about filling the vacant public member seat on the Commission. Rao responded that it's going through the review and approval process at the Governor's office so will hopefully be announced soon.

V O T E	A motion was made by Weismantel with a second by Ragucci to adjourn the meeting. The roll-call vote to approve was unanimous of those present.
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Meeting adjourned, 2:54 pm.

Documents or Exhibits Used at Meeting:

1. WRC Meeting Minutes: June 9, 2022
2. Interbasin Transfer Act project status report, August 26, 2022
3. Hydrologic Conditions in Massachusetts, August 2022 (available at <https://www.mass.gov/info-details/monthly-hydrologic-conditions>)

Compiled by: (VC)

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.