



Department of Environmental Protection

100 Cambridge Street Suite 900 Boston, MA 02114 • 617-292-5500

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

MassDEP Water Resources Management Advisory Committee Meeting Minutes

Monday, December 11, 2023, 2 p.m. to 4 p.m.

Zoom Link: <https://us06web.zoom.us/join/join?secret=us06web.zoom.us/meeting/register/tZUrc6hrT4tEtLaMKdGIUj2WvWUkefTT55R>

Attendees

WMA Advisory Committee Members:

Julia Blatt, Mass Rivers Alliance, Watershed Association representative
Wayne Castonguay, Ipswich River Watershed Association, public representative
David Condrey, Milford Water Dept., Associated Industries of Massachusetts representative
Ian Cooke, Neponset River Watershed Association, Environmental Organization representative
Patty Gambarini, Pioneer Valley Regional Planning Commission, Regional Planning representative
Matt Romero, MWRA Advisory Board, Consumer Organization representative
Jennifer Pederson, Mass Water Works Association, Water Works Industry representative
Amy Rusiecki, Amherst Public Works, public representative
Brian Wick, Cape Cod Cranberry Growers Association, Agricultural Association representative
Not in attendance: Steve Bartha, Mass Municipal Association representative

EEA and MassDEP: Kathleen Baskin, MassDEP BWR; Anne Carroll, MassDCR; Shi Chen, MassDEP WMA; Brandon Costa, MassDEP, SERO; Karen Crocker, MassDEP OGC; Jennifer D'Urso, MassDEP WMA; Daniel Henshaw, Massachusetts Ground Water Association; Lealdon Langley, MassDEP BWR; Duane LeVangie, MassDEP WMA; Elizabeth McCann, MassDEP WMA; Vandana Rao, EOEEA; Linjun Yao, MassDEP WMA

Public Attendees:

Sarah Bower, Mass Rivers Alliance; Peter Durning, Burns & Levinson LLP; Steve Estes Smargiassi, MWRA; Daniel Henshaw, Massachusetts Ground Water Association; James Laurila, Springfield Water & Sewer Commission; Josh Schimmel, Springfield Water & Sewer Commission; Theo Theocles, Springfield Water & Sewer Commission; Peter M. Vetere, Burns & Levinson LLP

Documents Used at the meeting: Water Management Act Powerpoint Presentations can be found at [Water Management Act Advisory Committee | Mass.gov](#):

- Cranberry Bog Regulated Acreage
- WMA Regulated Water Use Reductions Over Time
- WMA Grant Program Overview
- WMA Registration, Staffing, Permit Renewals and Water Use Restriction Trigger Options

Agenda Item 1: Welcome and Introductions

- Roll was called and attendees signed into the Zoom chat.

- Review of the draft October 25, 2022, meeting minutes was tabled. A more complete draft of the 10/25/2022 minutes was forwarded to the Committee members on December 12, 2023, for review at the next meeting.

Agenda Item 2: Advisory Committee Roles and Responsibilities

- D Levangie introduced Dan Henshaw who has been nominated as the new Well Driller representative to the Committee. Mr. Henshaw's appointment package and the reappointment package for 4 Committee members whose appointments will expire in 2024 (Pederson, Romero, Castonguay, Rusiecki) has been sent for review at EEA before going on to the Governor's Office for approval.
- Committee members are required to complete periodic ethics training. The Governor's Office will inform members of all ethics training requirements while they are serving on the Committee.

Agenda Item 3: WMA Program Updates

- a. Registration Renewals were issued April 8, 2023
 - A total of 766 registration were renewed, down from 788 registrations issued in 2007
 - 9 registrations for cranberry operations were not renewed (339 down to 330)
 - 13 other registrations were not renewed (449 down to 436)
- b. Legal Issues
 - Springfield and others filed objections to the January 20, 2023, regulation amendments which incorporated restrictions on nonessential outdoor water use by registrants
 - Court has heard oral arguments, MassDEP is awaiting a decision
 - 47 appeals to the renewed registrations were filed with the Office of Appeals and Dispute Resolution, appeals were evenly divided between PWS registrants and environmental advocates
 - MassDEP is waiting for the appeal review process to proceed
- c. WMA Grants – 3 separate grant programs
 WMA Implementation Grant Program began FY2013, M36 Audit Grant Program began FY2016
 Approximately \$2 million/year in state capital funding for Implementation and M36 Audit Grants
 1. **WMA Grants for PWS (with a permit or registration) to fund activities that will minimize or mitigate withdrawal impacts**, such as drought planning, conservation, mitigation and minimization activities, habitat improvement, rebate programs, and dam removal;
 - MassDEP encourages group applications, 98 projects funded since 2013,
 - 10 additional projects are proposed for funding in 2024
 - Presentation included an in-depth review of Avon's grant project looking at alternative source development
 2. **M36 Audits** - WMA issues an annual Request for Proposal (RFP) for suppliers to apply for funding for system water loss audits conducted according to AWWA guidance.
 - Permittees >10% UAW Performance Standard for 2 out of 3 years are required to conduct a M36 Audit and implement the results to be considered Functionally Equivalent and in compliance with their permit
 - Program has funded 99 audits in 57 communities since 2016, 10 audits proposed for funding in 2024
 - An instruction manual and Training Presentation for the M36 methodology were created. Both on-line at: [Public Water Supply Tools, Resources & Performance Standards|Mass.gov](https://www.mass.gov/public-water-supply-tools-resources-performance-standards)

3. Ipswich PFAS and Interconnections (PFAS) Grant - new FY2024

State FY24 budget provides \$2.3 million for Ipswich Grant

- Application deadline is January 11, 2024
- To assist PWS in the Ipswich Basin with persistent water quantity challenges and issues associated with PFAS in drinking water. □
- No match requirement
- Will reimburse projects that occur between July 1, 2023, thru June 30, 2024

Discussion Included:

- The application process is very late in the fiscal year (over half-way through)
- Timing is bad for North Shore Resiliency Task Force projects which are not ready to go within the application filing timeframe
NOTE: The PFAS Grant program was developed during the year in response to emerging needs – Participation in the program is encouraged through no-match requirement, and retroactive reimbursement for selected projects back to July 1, 2023
- Could retroactive reimbursement be made for WQ monitoring grants?
NOTE: Retroactive reimbursement is only possible with certain types of state funding and might not be possible for monitoring grants.

d. WMA Program Staffing

- WMA is currently interviewing and hiring to fill 4 vacant positions
- 2 new technical staff (EA III and EA IV) will be starting in January, interviews are ongoing for 2 additional technical staff (EA III and EA V)
- One new staff member will back-fill an empty position, 3 new positions will address new workload in the Boston Office because the DEP Regions have given up WMA work and Boston has taken on all non-cranberry permitting in the state.

Agenda Item 4: Water Use Presentation

Regulated non-cranberry water use has fallen

Permits

- Since 1986, 339 permits issued / 308 are still active for a reduction of 24.3 million gallons per day (mgd)
- Since 2014,
 - New and increased permits for 1.95 mgd in new water withdrawals, and
 - Reduced or retired for 10.66 mgd in reduced withdrawals

For a net reduction in permitted volumes of 8.61 MGD in the last ten years.

Registrations

- Since 1986, 644 registrations filed / 436 were renewed in 2023, a reduction of 208 registrations.
 - 5 largest retired registrations represent 139.74 mgd reduction in water withdrawals
 - Since 2014, 7.87 mgd in registered water use has been retired
- In most years, most Basins' water withdrawals are below the registered authorization, so overall water use is below 1985 levels
- Water withdrawals in most Basins are below the total authorized (registered and permitted) even in dry years –

- Narragansett Bay Basin was only basin with withdrawals over authorized use, driven by the small size of the Basin and Fall River's normal variation in use of reservoirs in two basins (Narragansett, Buzzards Bay).
- MWRA also has reservoirs in two basins (Nashua and Chicopee) and withdrawals can vary widely from year to year making water use in the two basins appear uneven.

Cranberry Water Use

Brandon Costa of the MassDEP SERO has oversight of WMA water use by cranberry growers

- Presentation shows cranberry water use has also trended down in recent years

Discussion Included:

- This is a good news story, if water use is down so significantly, water use is better controlled than expected
- Presentation's comparison of 2021 and 2022 (notably dry and wet years) may be confusing. A longer time-frame would smooth variability based on weather. Five-year frames and running totals would be more informative.
- 2021 and 2022 include PFAS issues, so might be different from the past.
- Why are PWS permits retired and what happens in communities that retire their permits?
 - Typically, water use has fallen (conservation, economics), and they can operate within their registered volume
 - A permit can be retired if the supplier now buys water from another source
- DCR typically does new forecasts for permit renewals and when specific issues are identified in individual communities

Agenda Item 5: Permitting and Permit Renewals

WMA is currently seeking the Committee's input on the triggers for Nonessential Outdoor Water Use Restrictions for registrations and permits. In particular,

- how best to promote consistency between registrations and permits, and
- how best to protect environmental resources during dry times.
- analysis shows that permits are somewhat more restrictive in wet years, registrations are more restrictive in dry years.

Discussion Included various viewpoints:

- Permits and registrations should be consistent
- Some felt drought triggers are more sensitive to changing climate conditions and early season drought conditions
- Some felt that the WMA program should require streamflow triggers over calendar triggers.
 - In high rainfall years, the calendar triggers still require restrictions.
 - Leads to public perception problems.
 - Drought triggers may not be enough in stressed basins
- Other committee members favor the calendar trigger because it promotes long-term reductions in water use, i.e. the same requirement most of the time is valuable because people get into the habit
- Another approach would be having suppliers develop their own system-specific plans that react to local conditions. Even a drought trigger might not react to local conditions.
- WMA should retain stricter outdoor water use requirements in "minimization areas", it would be unfortunate to lose the additional restrictions in those areas.

WMA is currently seeking the Committee's input on potential ways to hasten permit reviews, including:

- Standardize Review and Permitting
 - Template Orders to Complete (OTC) and Permit documents
 - Streamline Information requests
 - Outreach
 - Limit information requests
- Batch Permits Reviews to promote consistency among permits on certain requirements, which would allow limited and expedited review of older permits
 - Inclusion of 65 rgcpd and 10% unaccounted for water conservation standards into permits
 - Outdoor Water Use Restrictions
- Select Permit Renewals
 - Expedite review of permits that have not increased over baseline and require no mitigation

Discussion Included:

- Prioritize catching up on permits
- Advisory Committee should spend time on mitigation credit and documentation. Some permitting delays come from a lack of public guidance on mitigation. Finalize the guidance and that will probably speed things up.
- Mitigation holds up most permit renewals – can we find a better way to develop the info we need.
- How can we improve our OTC requests?
- Can we ask better questions/can we ask for less info before issuing a permit?
- Reduced or improved information requests? What does that mean?
 - Program would like to consider both. For example, we now ask for new Conservation Questionnaire. Do we need to hold up a permit waiting for a Conservation Questionnaire?

Agenda Item 6: Next Steps/Future Meeting Topics

Future Topics - What does the Committee want to hear about?

Responses have included:

Need for more understanding of zoning and changes at planning board level to get reduce lawn.

Note: Mitigation currently includes potential credit for by-laws regulating fertilizer application and restrictions on outdoor water use by private wells. This could be a similar approach.

Minimization as a means to bring water to stressed areas rather than as a means to limit use.

Mitigation - presentations on the impacts/benefits of specific types of mitigation. Focus could be a science-based presentation on mitigation benefits to streamflow

- The Nov 2014 guidance on mitigation is on the MassDEP website. Since November 2014, the program has developed specific detail, and the guidance is distributed to permit applicants.
- The Committee suggests formally reviewing the guidance and then officially posting it on the MassDEP website.
- "Direct mitigation", i.e. get water returned to the groundwater of the watershed where it was withdrawn.
 - Infiltration/Inflow and stormwater would be the most technical.
 - PFAS, returning stormwater might not be a good idea as PFAS becomes more ubiquitous.

- “Indirect mitigation” provides environmental benefits other than returning water to local groundwater, and is implemented when direct mitigation is insufficient to mitigate the withdrawal volume.
- MassDEP will present on its ongoing experience with:
 - implementation of direct vs indirect mitigation in permitting,
 - obstacles to implementing mitigation,
 - success stories in mitigation implementation to date.

Follow-up studies on the impact of WMA permit conditions

- SWMI was set up at a point in time, 2000-2004, and we continue to issue permits based on data documenting conditions during a time that has passed. How can/should the SWMI framework be updated?

Mitigation – Committee and WRC should consider goal of restoring degraded subbasins. Focusing on mitigation could put restoration back on the table.

- The WMA Program can work on mitigation and share that with the Committee, and how to do things better. However, restoration in one basin will be on the back of another basin, we use water, so in order to restore, you will need to take water from another basin.