



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

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**Meeting Minutes for September 10, 2020**

1:00 p.m., conducted remotely via Zoom

*Minutes approved October 8, 2020*

*Revised minutes approved April 8, 2021*

**Members in Attendance:**

Vandana Rao	Designee, Executive Office of Energy and Environmental Affairs (EEA)
Linda Balzotti	Designee, Department of Housing and Community Development (DHCD)
Marilyn McCrory	Designee, Department of Conservation and Recreation (DCR)
Kathleen Baskin	Designee, Department of Environmental Protection (MassDEP)
Hotze Wijnja	Designee, Department of Agricultural Resources (DAR)
Kate Bentsen	Designee, Department of Fish and Game (DFG)
Marcela Molina	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)
Thomas Cambareri	Public Member

**Others in Attendance:**

Duane LeVangie	MassDEP
Anne Carroll	DCR
Jennifer Sulla	EEA
Jennifer Pederson	Massachusetts Water Works Association
John Scannell	DCR
Sara Cohen	DCR
Erin Graham	DCR
Andreae Downs	Wastewater Advisory Committee to the MWRA
Sequoya Bua-lam	DFG/Div. of Ecological Restoration
Katie Ronan	Massachusetts Water Resources Authority
Lexi Dewey	Water Supply Citizens Advisory Committee to the MWRA (WSCAC)
Patrick Lynch	Ipswich River Watershed Association
John Sanchez	Burlington DPW Director
Chris Bruet	U.S. Geological Survey
Patricia OBrien	Resident of Burlington
Viki Zoltay	DCR
Amy Coppers Costantino	Wright-Pierce Consultant for Town of Burlington

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

**Agenda Item #1: Introductions and Welcome**

Rao introduced the meeting with directions for the virtual meeting and a roll call of Commissioners and attendees.

**Agenda Item #2: Executive Director's Report and Drought Response Updates**

Rao provided a brief update on the continuation of drought across the state. The latest drought designations by the Secretary remain at Level 2 across the state. More details will be provided in the update on hydrologic conditions. The state's drought webpages are being pulled together under one landing page and should be complete in the next few weeks.

Baskin provided an update on MassDEP activities. MassDEP is updating the Stormwater Handbook and the associated sections of the Wetlands Protection Act regulations which were first developed in 1996. The federal government updated its 1961 standards in 2015 but the Commonwealth has not yet adopted them. MassDEP is looking to add some buffer to those standards to provide resilience with extreme events and climate change. A meeting will be held on 9/22 with the stormwater advisory committee on these updates. Another committee meeting will be held on 10/15 specific to a few of the standards that will be updated in consideration of the Massachusetts EPA MS4 permit so that protection levels are aligned with it.

For PFAS, a meeting will be held on 9/29 to discuss residuals in water and wastewater with a stakeholder committee. The purpose of the meeting is to collect information and data about the topic and guidance on approaching this topic. Baskin provided the following registration information after the meeting:

When: Sep 29, 2020 1:00 - 4:00 PM Eastern Time (US and Canada)

Register in advance for this meeting:

<https://us02web.zoom.us/meeting/register/tZwuce-gqT8vG9ZHGa-xk72KCKSFWO4QSZO->

After registering, you will receive a confirmation email containing information about joining the meeting.

Rao welcomes the stormwater updates; the Commission has been involved with discussions in the past about including climate change in regulatory processes and policies. She anticipates significant support for this effort from the Commission and agrees it makes sense to update such outdated standards since climate stationarity assumption is no longer valid.

**Agenda Item #3: Update: Hydrologic Conditions and Drought Status Update**

Graham provided an update on the hydrologic conditions for August 2020. Precipitation is still low on the Cape and Islands and below average in the rest of the state but at least closer to average than before. Longer term precipitation values are still significantly low across the state. Streamflow and groundwater varied greatly across the state but, in general, both deteriorated this month. Index severity levels reached level 2 and 3 in some regions with several sites at less than their 2 percentile values. Lakes and impoundments index had elevated values for all regions except the Western and Cape Cod Regions. KBDI and crop moisture indices both continue to show drought impacts with elevated values in all regions. Temperatures continue to be above to significantly above average. The outlook for September through November continues to favor above normal temperatures and equal chances of above, at, or below normal for precipitation.

The full report is available at <https://www.mass.gov/service-details/hydrologic-conditions-reports>.

**Comments, questions, and responses:**

Rao commented on the role of above-normal temperatures in droughts in recent years, noting that this was the reason for adding information on temperature in the Hydrologic Conditions Report.

**Agenda Item #4: Presentation: Preview of Draft Water Conservation Toolkit**

Rao previewed the Water Conservation Toolkit Website by showing a live demonstration of the webpages. These pages are intended to capture in one place all information, resources, and tools regarding water conservation. The Toolkit has specific sections for various water users, managers and educators such as residents, municipalities, agricultural sector and teachers. It addresses both indoor and outdoor water use. There are also numerous tools such as a water calculator for residential homes. For municipal water managers, there are water conservation outreach materials for social media that can be adopted with local logos, guidance on best practices and case studies. The Toolkit was created within the requirements of the overall mass.gov template but made to feel interactive as much as possible. Rao seeks input from the Commissioners and the public. She requested that comments be sent by Friday, September 25, to [Vandana.Rao@mass.gov](mailto:Vandana.Rao@mass.gov). The Toolkit is accessible at <https://www.mass.gov/conservemawater>.

**Comments, questions, and responses:**

Pederson commended the great look and extensive resources of the site. She asked whether staff or consultants will manage updates as standards and other information change. Rao answered that consultants helped with pulling together the information and the design but state staff will be able to update it because information technology staff programmed the website.

Woods also commended completing the project and asked about a potential location for local links. For example, the South Shore Water Smart program website, [watersmartsouthshore.org](http://watersmartsouthshore.org), provides information on local rain barrel programs and educational events. Rao said such links would be great and asked Woods to send information on links and suggested pages for placement.

Hotze commented on the value of gathering guidance across numerous sectors and target audiences. It is a great place to show what can be done and what others are doing. Rao asked Hotze to provide links for agriculture related resources such as the Massachusetts Extension Program and DAR's grant programs targeting water conservation.

Pederson asked whether case studies will be added. Rao answered that some exist and more will come. She requested examples that people think would be good additions. Cohen added that they are in the process of compiling model by-laws. Rao showed the webpage with an interactive map that displays by-laws across the state color coded by topic.

Rao added that each page will have a pdf of relevant chapters of the Water Conservation Standards. Another forthcoming resource is a checklist or template to assist municipalities with creating a water conservation program. This will be based on existing resources used by MassDEP

in their WMA program and by the WRC in the interbasin transfer act application review. This will also serve as a resource for state staff for future regulatory reviews.

**Agenda Item #5: Vote on the Minutes of July 2020**

Rao invited motions to approve the meeting minutes for July 2020.

V	A motion was made by Weismantel with a second by Ragucci to approve the meeting
O	minutes for July 2020.
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E	The roll-call vote to approve was unanimous of those present.

**Agenda Item #5: Burlington Interbasin Transfer Application- Presentation and Discussion**

Summary of comments on Draft Staff Recommendation for the Town of Burlington’s Application for Approval of an Action to Increase the Present Rate of Interbasin Transfer of Water from the MWRA System and Vote to Extend the Review Period.

Rao introduced the agenda item noting two parts – first, to present the comments and draft staff responses with a discussion and, second, to vote on extending the review period. Because of extensive comments including those from the last WRC meeting, staff took time to review and summarize the comments to bring to this meeting of the commission for their discussion. The draft final staff recommendation will be completed and presented at the October meeting with time provided for WRC to review and consider the changes. This process and timeline are important because the Interbasin Transfer Act (ITA) approval is not a permit but a one-time decision.

However, the ITA process has specific timelines for review and approval. Because of this revised timeline, the final vote by the commission will not occur until past the current regulatory timeline. The timeline, according to the ITA regulations can be extended by mutual consent of the WRC and the applicant. Staff have spoken with Burlington and the town has agreed to an extension. Therefore, staff has today scheduled a vote by the Commission to extend the timeline by no more than 60 days. The vote will be taken after the presentation and discussion.

Carroll started the presentation by reviewing the sources of written and verbal comments received. She summarized a few general comments: concerns over micromanagement with water rates and billing, administrative burden on the applicant, commendations for staff on the document, resolution of concerns raised at public hearings and the need to go further on water rates, incorporating more detailed rate guidance. Carroll categorized comments into 6 topics relating to Proposed Conditions 1-12: viable sources, water rate structure, billing frequency, water loss control program, water conservation plan, and drought management plan and nonessential outdoor water. Carroll provided details by topic showing specific comments and staff responses under each.

Next steps are to present the revised Staff Recommendation for discussion at the October WRC meeting with a vote at the November WRC meeting. The full presentation is available at <https://www.mass.gov/service-details/review-our-meeting>.

**Comments, questions, and responses:**

Weismantel supported requiring the standards in the Water Conservation Standards but not including the recommendations on best practices. He requested clarity and tighter language on conditions including one-time versus on-going conditions and on-going reporting requirements by Burlington to the WRC. He approves of granting the full 6.5 MGD regardless of Mill Pond's status. He expressed concern about the potentially significant increase in water rates. Conditions should not be excessive or go beyond what is needed for conservation especially since they have demonstrated that they use their water well. Rao said that staff collaborated with Burlington over several months to ensure that conditions can be met. The conditions are driven by the Act and regulations which require evaluating practices against the Water Conservation Standards and Performance Standards. Carroll added that the Act and the regulations require rates that send a water conservation signal. When evaluating Burlington's rates, it was clear it was not sending that signal. However, staff worked with Burlington to leave parts of the rates that worked and only change parts that did not. Cohen confirmed that requiring that rates send a conservation signal is a place where the ITA regulations are more stringent than the Water Conservation Standards.

Weismantel expressed concern over inconsistent evaluation of meeting standards and recommendations. Also, if their rates are not sending a conservation signal then why is their performance so good? Carroll explained that Burlington's primary residential rates were not changed. Rather, changes addressed secondary meters for outdoor irrigation use. Users with these secondary meters are a subset of users, many of whom use over 100 residential gallons per person per day (RGPCD), which is a bit hidden if looking only at the overall RGPCD. Cohen added that the 100 RGPCD is just from the secondary meter and there is additional indoor use by these households. She stated that over one third of customers with irrigation meters fall into this category of irrigation use that exceeds 100 gpcd, placing them well over the state standard of 65 residential gallon per capita per day (RGPCD) for indoor and outdoor use combined. Rao added that this is the purpose of the Act - to make sure that water transferred is for essential use with limited accommodation for nonessential use. This is the reason the Commission has to look at water use in detail. Comments on this topic have been received before, asking for transferred water to be used only for essential use.

Woods supports keeping transferred water to essential use. The 65 rgpcd hides increased summer use as it is an average annual value. She has found that most people use water well but a small number use an exorbitant amount. She sat on the Water Conservation Standards Committee and wanted the standards to address the summer peak hidden by the 65 rgpcd average but was unsuccessful. Weismantel requested data on the irrigation use. Rao confirmed that conclusions about irrigation use were based on data and analyses done by staff. Cohen will send the data and quantitative analyses done.

Weismantel asked if these analyses will need to be done annually. Cohen explained that the conditions are written at a high level and leave flexibility and should not constrain Burlington's plans for rate changes. For secondary meters, the conditions require that every gallon of outdoor use be charged for, and that the tier thresholds strive to distinguish between efficient and inefficient outdoor use. The latter is a qualitative requirement, which staff worked with Burlington to find a way to meet. Additionally, the conditions address the commercial rate, requiring a greater amount of the water sold to carry a volumetric charge. Sanchez confirmed

that they will be making the changes discussed and that the recommended conditions do not interfere with their plans for water rate changes going forward.

Woods requested summer and winter use values for Burlington. LeVangie said that 1.5 is the ratio between summer and winter use for Burlington and a good benchmark would be 1.2.

Baskin commented that these are unusual circumstances because in her 13 years on the Commission she had not seen an applicant that had secondary, irrigation meters. That is why it may seem unusual but appropriate to have these conditions. She commended staff for the work done on this new topic, working with the community and addressing it through the interbasin transfer process.

Pederson noted that the MWRA comment regarding wastewater was not included in the presentation or staff recommendation. It would make sense to include that the wastewater goes to MWRA to memorialize the whole water cycle for this transfer. Rao said that they will add the information but that it does not calculate into conditions. Baskin clarified that exporting wastewater received from outside the basin is a secondary transfer and not subject to the ITA; therefore, it should be included as a side note only.

Pederson asked for clarification about how the Massachusetts Drought Management Plan (MA DMP) enters the town's own plan because the regulations just require a contingency for drought but not the inclusion or following of the state's DMP. Rao clarified that the DMP has guidance and actions that were intended to be used across the state, including at the local level; towns should review and incorporate, as appropriate, into their own drought plan. Since Burlington also has many private wells pulling from local sources that are not from Mill Pond or MWRA, an overall drought plan is needed to limit use during a drought and conserve water for the environment. Pederson asked for counsel to weigh in on this topic because regulations only state the need for "contingency plans for limiting the use of water during seasonal shortages or droughts" and does not reference the implementation of the MA DMP. Pederson also noted that it is not within Burlington water department's purview to regulate private wells, but the board of health and the town would need to pass private well bylaws to do so. Rao clarified that the ITA application is from the Town not a particular department, so conditions are meant for the town as a whole.

Pederson is concerned about what conservation really means. She heard the requirement for rates to "send a conservation signal" and the regulations requiring conservation but it is too prescriptive to say Burlington must eliminate base rates to send a conservation signal. She is concerned about the precedent and high bar being set for future applicants. She understands that feasibility is considered but that is subjective and future towns may not be able to meet such requirements. Rao clarified that feasibility is an individual assessment for each town and staff work closely with towns to determine the flexibility needed for towns to meet conditions. The flexibility needed to meet requirements can come in many forms but are considered after regulatory requirements are made. One example is allowing the town to meet a standard beyond the decision date but prior to the start of the transfer. Cohen pointed out that the same lens was used to evaluate the criteria for the North Reading interbasin transfer decision, and no conditions were set on rates because their rates already incorporated strong conservation signals. Conditions reflect the starting point of the applicant. When evaluating Burlington's

conditions, they may seem like a heavy lift, because of the starting position of the town. Cohen remarked that Burlington has some good conservation measures but also some of the lowest rates in the state. She wanted to caution people against thinking of Burlington's specific ITA conditions as setting a new bar, but rather to think of them as requirements reflecting Burlington's particular starting point. She offered to bring more information on how rates are evaluated under the ITA to the WRC. Wood noted that this would be helpful. Pederson asked if North Reading's approval referenced the state DMP and Rao confirmed that it did.

Rao noted that these comments will be incorporated in the final staff recommendation that will be brought back in October.

V O T E	<p>A motion was made by Balzotti with a second by Ragucci to extend the review period by no more than 60 days for the Town of Burlington's application for approval of an interbasin transfer to increase the present rate of interbasin transfer of water from the MWRA system.</p> <p>The roll-call vote to approve was unanimous of those present.</p>
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**Agenda Item #6: Presentation: Update on the Massachusetts Hydrologic Monitoring Network**

Bruet reviewed the components of the Massachusetts hydrologic monitoring network run by the USGS. The network includes weather stations, streamflow gages, groundwater wells and tide gages. Bruet showed maps of each network with individual station locations. He provided an update for FY21 on individual station costs by station type, overall budget allocated to each type of network and overall budget breakdown by funding source.

The presentation slides are available at: <https://www.mass.gov/service-details/review-our-meetings>.

**Comments, questions, and responses:**

Pederson asked for the meaning of NSIP in the slides. Bruet clarified that it means national streamflow information program.

Woods was surprised about the tidal gages being included because she associates that with NOAA and asked about the use of the tidal gages. Bruet answered that NOAA takes the USGS data and uses it. Zoltay added that NOAA does not directly fund sites. The state also funds the five USGS weather stations on behalf on NOAA. Woods asked about the much larger funding going toward streamflow compared to groundwater and whether USGS had considered using volunteers. Bruet explained that the cost includes equipment; in addition, streamflow sites are visited bimonthly at a minimum to take site and streamflow measurements and make sure everything is functioning correctly. Then they analyze the data. It is a very labor-intensive process. Volunteers are sometimes used for streamflow measurements, but the rest of the bimonthly visits are more technical and preclude using volunteers. In addition, USGS staff go to the field for flow measurements during low and high flows to capture these less frequent events and make sure that the rating curves are accurate at these extremes.

**Agenda Item #6: Vote to adjourn**

V O T E	A motion was made by Weismantel with a second by Ragucci to adjourn.  The roll-call vote to adjourn was unanimous of those present.
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Meeting adjourned, 3:19 p.m.

**Documents or Exhibits Used at Meeting**

*These materials are available at <https://www.mass.gov/service-details/review-our-meeting>.*

1. WRC Meeting Minutes: July 2020
2. Hydrologic Conditions Report for Massachusetts for August 2020, available directly at <https://www.mass.gov/water-data-tracking>
3. Rao presented a Preview of Draft Water Conservation Toolkit Website, available directly at <https://www.mass.gov/conservemawater>
4. Presentation: Summary of comments on Draft Staff Recommendation for the Town of Burlington’s Application for Approval of an Action to Increase the Present Rate of Interbasin Transfer of Water from the MWRA System
5. Interbasin Transfer Application from the Burlington to Purchase Water from the MWRA System:
  - a. Comment letter from Wright-Pierce on behalf of the town of Burlington
  - b. Comment letter from Massachusetts Water Resources Authority
  - c. Comment letter from Massachusetts Water Works Association
  - d. Comment letter from Patricia OBrien, Burlington, MA
  - e. Comment letter from Water Supply Citizens Advisory Committee
6. Interbasin Transfer Act project status report, August 28, 2020
7. Update on the Massachusetts Hydrologic Monitoring Network Presentation

*Compiled by: (vz)*

*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, 8<sup>th</sup> floor, Boston, MA 02114.*