



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

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**Meeting Minutes for August 13, 2020**

Meeting conducted remotely via Zoom meeting platform

*Minutes approved November 12, 2020*

**Members in Attendance:**

Vandana Rao	Designee, Executive Office of Energy and Environmental Affairs (EEA)
Linda Balzotti	Designee, Department of Housing and Community Development (DHCD)
Anne Carroll	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)
Thomas Cambareri	Public Member
Vincent Ragucci	Public Member
Kenneth Weismantel	Public Member
Samantha Woods	Public Member

**Members Absent**

Marcela Molina	Public Member
Todd Callaghan	Designee, Massachusetts Office of Coastal Zone Management (CZM)

**Others in Attendance:**

Vanessa Curran	DCR, Office of Water Resources
Marilyn McCrory	DCR, Office of Water Resources
John Scannell	DCR, Division of Water Supply Protection
Jennifer Pederson	Massachusetts Water Works Authority
Duane LeVangie	MassDEP
Katie Ronan	Massachusetts Water Resources Authority
Sara Cohen	DCR, Office of Water Resources
Erin Graham	DCR, Office of Water Resources
Katharine Lange	Mass Rivers Alliance
Lexi Dewey	Water Supply Citizens Advisory Committee (WSCAC)
Gabby Queenan	Mass Rivers Alliance
Rob Williamson	Wright-Pierce
Sequoya Bua-lam	Department Ecological Restoration
Mark Clark	Town of North Reading
John Sanchez	Town of Burlington Department of Public Works
Paul Sagarino	Town of Burlington
Andreae Downs	Wastewater Advisory Committee

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

Rao called the meeting to order at 1:05 p.m. She described the logistics and ground rules for this remotely conducted meeting. She noted that the meeting was being recorded, but only for the purpose of the minutes, and all votes would be by roll call.

**Agenda Item #2: Executive Director's Report**

Rao gave an update of the Drought Management Task Force meeting held August 12, 2020 and gave an update of the drought response of EEA agencies, Massachusetts Emergency Management Agency (MEMA), Department Public Health (DPH), who have been coordinating on a weekly to biweekly basis. They have been looking at how the drought is affecting water users, suppliers, private wells, farmers, and sharing outreach resources. The group is working on outreach to end groups and using their mailing lists to reach constituents at a local level. Compared to the last drought, there is more outreach. For example, MassDEP sends out letters to water suppliers with the latest drought level and includes drought response actions, and CZM included a message in its latest newsletter. Rao showed some of the newly-developed outreach materials on drought levels and tips for saving water, both indoors and outdoors. Queenan asked if the images could be available on the EEA website for download to be used by other groups. Rao said they would be available by tomorrow. Woods reiterated that they should be made available and also talked about the "Brown is the New Green" initiative of the North and South Rivers Watershed Group.

**Agenda Item #3: Update: Hydrologic Conditions**

Graham provided an update on the hydrologic conditions for July 2020. Monthly temperatures were above average for July, mostly ranging between 3 and 7 degrees above average. Statewide, July 2020 was the second hottest July on record. Precipitation was low in the Southeast Region and very low in the Cape Cod and Islands Regions. Index Severity Levels for the 1-month Standardized Precipitation Index (SPI) are at Level 4 for Cape Cod, Level 3 for the Islands, Level 2 for the Southeast, and Level 1 for the CT River Valley. Monthly median streamflow improved in July. The Western and CT River Valley Regions are at an Index Severity Level 1. Groundwater levels varied across the state but were mostly low in the Western, Central, and CT River Valley Regions (all Level 1). At the end of July, lakes and impoundments in the Western, Northeast, and Southeast Regions were lower than usual, resulting in an Index Severity Level of 1 for the Western and Northeast Regions and Level 2 for the Southeast. This is not a reflection of water supply status. However, two reservoirs are below 2016 levels. As of August 5th, 2020, Keetch Byram Drought Index (fire danger) values ranged from 295 to 613 across the state resulting in an Index Severity Level 1 for the Western and Islands Regions; Index Severity Level 2 for the CT River Valley, Central, Northeast, and Cape Cod Regions; and Index Severity Level 3 for the Southeast Region. The Western Region dropped almost 100 points, as that area received the most rainfall over the past week or so. There are concerns for southeast and south central portions of the state as conditions continue to deteriorate and fire activity increases. The weekly Crop Moisture Index (CMI) for the period ending August 1, 2020 was -1.0 to -1.9 (Abnormally Dry) for the Western, CT River Valley & Central Regions, resulting in an Index Severity Level 1 for those regions; and -2.0 to -2.9 (Excessively Dry) for the Northeast, Southeast, Cape Cod, and Islands Regions, resulting in an Index Severity Level 2 for those regions. For August, NOAA projects a 50-60% chance for above-normal temperatures and a 40%-50% chance for above-normal precipitation.

Rao commented on the flash drought characteristics of the present drought as compared to a classic drought based on development, temperature, and precipitation. The Drought Management Task Force meeting held on August 12, 2020 highlighted the conditions in the Southeast and Cape Cod Regions and fire ignition. Rao gave some further updates on the hydrologic conditions and highlighted the discussion from the Drought Management Task Force. There was some discussion about conditions on the Cape and Southeast. The Cape groundwater is still relatively high, but the region is very dry. The Southeast is dry and some water suppliers are implementing restrictions. Rao asked Cambareri if staff could confer with him to discuss Cape ponds and surface water and the possibility of expanding monitoring.

**Agenda Item #4: VOTE: Minute May and June 2020**

Rao invited a motion to approve the minutes of May 2020. There was no discussion

V O T E	A motion was made Weismantel with a second by Balzotti to approve the minutes of May 14, 2020.
	The roll-call vote to approve was unanimous of those present with one abstention.

Rao invited a motion to approve the minutes of June 2020. There was no discussion.

V O T E	A motion was made by Weismantel with a second by Ragucci to approve the minutes of June 11, 2020.
	The roll-call vote to approve was unanimous of those present with one abstention.

**Agenda Item #5: VOTE: Staff Recommendation on the Town of North Reading’s Application to Increase the Present Rate of Interbasin Transfer of Water from the Town of Andover**

The North Reading final staff recommendation to purchase water from the Town of Andover was discussed. Rao explained that at a previous meeting Commissioner Weismantel suggested that the Commission vote on the final recommendation at the same meeting that final recommendation is presented if the draft recommendation did not receive any comments. In the past typically, the final vote was taken at a subsequent Commission meeting. No comments were received in writing on this proposal.

Carroll presented background on the project and a summary of the final Staff Recommendation. North Reading is in the Ipswich River basin. They have six groundwater wells and one tubular wellfield in four locations. Reduced capacity of existing sources has resulted in the Town only being able to use 60% of its permitted volume. North Reading is currently purchasing up to 1.5 MGD from Andover through previous Interbasin Transfer Act approvals (1958 transfer and a WRC decision in 1991). Contamination issues have further threatened North Reading sources, including discovery in January 2020 of per- and polyfluoroalkyl substances (PFAS) at concentrations >20 parts per trillion (ppt). These concentrations exceed the MassDEP proposed regulation of 20 ppt. Stressed conditions in the Ipswich basin make this transfer favorable. North Reading is proposing to purchase an additional 1.5 MGD (for a total of 3.0 MGD) to replace its existing water supply sources. Andover’s sources are in the Merrimack River basin.

Public hearings were held via Zoom for the donor and receiving basins on May 28 and June 2, 2020. Public comments were received from the Towns of Andover and North Reading and the Ipswich River Watershed Association, all in support. A third public hearing was held via Zoom on the draft staff recommendation on July 13th, 2020. No additional comments were received on the draft staff recommendation. WRC staff made minor editorial changes reflected in redline. Carroll outlined the required conditions as presented last month. North Reading must commit in writing to abide by any required conditions. Conditions cover: MassDEP and Administrative Consent Order requirements; the standard condition of compliance with and monitoring for 65 residential gallons per capita day (rgpcd) and 10% unaccounted for water (UAW); development of a Water Loss Control Program, including a M36 water audit; updated drought and water conservation plans; and outdoor water use restrictions.

Carroll presented the minor changes in the draft final staff recommendation which most were minor administrative and editorial changes, including some clarification. Woods had a question about the water conservation plan. Carroll explained that overall North Reading has a strong program, but in particular the water loss control program needs to be improved. In addition, AMI data should be analyzed and used to target high users and to refine outreach efforts. Rao further explained that staff wanted to have the documentation pulled to in one place so staff could track the work being done. Some comments were received on the draft staff recommendation suggesting that the decision should say something about the net gain to the Ipswich basin, so that was clarified. However, Rao clarified that if in the future the Town implements wastewater changes, there may no longer be a net gain.

Rao invited questions and comments. Clark, on the behalf of North Reading, thanked staff for moving the project along. Ragucci said he would be abstaining from the WRC vote because he is the chair of the North Reading water commission. Weismantel noted that edits were minor and offered to make the motion when the discussion ended. There were no more comments or questions.

V O T E	A motion was made by Weismantel with a second by Cambareri to accept the August 13, 2020, staff recommendation to approve the town of North Reading's request under the Interbasin Transfer Act to purchase water from the Town of Andover as amended.  The roll-call vote to approve was unanimous of those present, with an abstention by Ragucci.
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**Agenda Item #6: Presentation and Discussion Draft Staff Recommendation on 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:**

Rao gave an introduction and Carroll gave the presentation.

Burlington, the receiving community, has land area in the Shawsheen, Ipswich, and Boston Harbor basins. The MWRA Waterworks System, the donor basin, has sources in the Chicopee River and Nashua River basins. Burlington's existing sources consist of seven groundwater wells and two surface water sources. Three wells are offline due to 1,4-dioxane contamination. Another source, Mill Pond Reservoir, is primarily fed from Shawsheen River via a four-mile

pipeline. The Mill Pond Water Treatment Plan (WTP) has a capacity that varies between 2.5-3.0 MGD. Withdrawals from the Shawsheen are limited and the Mill Pond WTP lacks redundancy. It must be taken offline two to three times per year for cleaning. Burlington is proposing to purchase up to 6.5 MGD (maximum day demand, which the Interbasin Act requires) to supplement its existing water supply sources and provide redundancy. The project is broken into two phases: Phase 1 - up to 1 MGD; Phase 2 - up to 6.5 MGD to supplement sources when needed or when Mill Pond WTP is offline. Carroll presented the timeline. In 2011 the Office of Research and Standards at MassDEP reduced the guideline for 1,4-dioxane from 3ppb to 0.3ppb. Burlington's Wells 3, 4, and 5 were taken offline at Vine Brook WTP, resulting in a loss of 1 MGD capacity and a remaining capacity of 1.95 MGD. The Town implemented a Drought Plan including outdoor watering restrictions tied to elevations at Mill Pond, which helped to bring down demand. In 2016 an Alternatives Analysis reviewed existing sources, new sources, and potential purchase from MWRA and/or neighboring towns. The recommended alternative was to take the Vine Brook WTP offline, keep Mill Pond, and connect to the MWRA Water Supply System. The estimated need from MWRA is 3.5 MGD ADD and 6.5 MGD MDD with Mill Pond WTP offline.

Carroll presented a summary of the Interbasin Act criteria. The application meets the standards with conditions. Regarding Criterion 2, Viable In-basin Sources, Mill Pond is a viable local source but lacks redundancy and its capacity varies due to streamflow restrictions. Local groundwater sources have significant water quality challenges and are at high risk of contamination. The capacity and contamination issues present great challenges. Burlington meets most performance Standards for Criterion 3, Water Conservation with conditions, including: 65 rgpcd, 10% UAW, metering, leak detection, and drought plan for its existing sources. The Town has committed to adjust rates and billing frequency to provide a conservation signal and will expand Institutional Commercial Industrial (ICI) outreach to target users with materials from the EPA WaterSense Program since there is a significant ICI demand. The 2018 Water Conservation Standards require quarterly billing, and even though Burlington receives data through its Advanced Metering Infrastructure (AMI) system, bills are not sent quarterly to all customers. Criteria 5 and 7, Reasonable Instream Flow and Cumulative Impacts, were evaluated for 10 MGD, the 6.5 MGD MDD for Burlington and 1.6 MGD for the recent Ashland approval. The Quabbin and Wachusett Reservoirs are large with mandated releases to Swift and Nashua Rivers and Ware River diversions limited by season and streamflow. There are no impacts to low or intermediate flows and minimal impact to high flows. The Quabbin drought performance using 2040 projected demands within acceptable range.

There are no impacts to other resources listed in the regulations (e.g., fisheries, endangered species, hydropower). Reasonable instream flow remains and there are no adverse impacts to resources. Carroll presented the Conditions of the Approval. Burlington must commit in writing to abide by any required conditions. Burlington must maximize its local sources and use Mill Pond whenever feasible, and if, in the future Mill Pond is no longer viable, Burlington would return to the WRC. Burlington must implement quarterly-equivalent billing. Burlington must also adjust its water rates, including eliminating base allocation for irrigation accounts, adjusting irrigation tiers, and eliminating or significantly reducing base allocation for commercial accounts, update its water conservation plan, and expand outreach to its top ICI users. Woods asked what an irrigation account is. Carroll responded that it is a second meter without sewer charges. Carroll presented a timeline of next steps. On August 18, a public hearing will be held on the draft staff recommendation. At either the September or October WRC Meeting a

presentation and vote on the final staff recommendation will be held, with a vote required by October 17, 2020.

Rao opened the discussion for comments and questions. Sanchez representing Burlington commented that the Town has been working with WRC staff to finalize the IBT. Weismantel thanked Burlington for doing a good job of meeting most of the standards. He expressed concerns about the conditions relating to water rates and opined about funding mechanisms. He asked if the cost of employee benefits were included in the water rates? Sanchez addressed the issue of water rate increase, which is a result of joining the MWRA. The rates need to increase for 10 years. This was part of the discussion with Town Meeting from the beginning of Burlington's decision process. Sanchez explained how employee benefit costs are included in the water rates. Cohen discussed the Interbasin Transfer Act performance standards and Water Conservation Standards with respect to water rates and covering full costs and sending a conservation signal. Weismantel also asked about the impact on small businesses and expressed concern about base allocations. Cohen answered that 40% of the ICI customers were not exceeding the base allocations and therefore didn't have an incentive to save water, so Burlington has been asked to create a stronger conservation signal. Sanchez acknowledged that there was concern because the ICI sector pays for the water section with property taxes. He did rework the base allocation and rates such that the smaller ICI users will end up with a smaller bill while still sending a conservation signal to that sector. Weismantel still expressed concern that WRC should not be pushing for that requirement in addition to quarterly billing. He expressed concern about condition #2 Mill Pond; he did not see why Burlington needs to come back for approval. He expressed support of reaching out to the top ten users and asked how often that should be done. He also said condition 11 is unclear. Rao asked that Weismantel send any detailed comments in redline or an email.

Rao responded that the Interbasin Transfer Act includes language about water conservation, so it is important that communities requesting an interbasin transfer meet water conservation requirements including the State Water Conservation Standards. Rao said staff work with communities to be flexible as to what will work for a particular community while still meeting the law. Rao explained the reasoning behind asking Burlington to come back to the WRC in later years. An important aspect of the Interbasin Transfer Act is viable source analysis. In Burlington's case, Mill Pond is currently still viable. The draft decision is based on Mill Pond still being viable and the whole 6.5 MGD request used only when Mill Pond is offline. The draft decision allows Burlington to take MWRA water until such a time should Mill Pond become no longer viable. If that should occur, then Burlington is required to come back to the WRC and the WRC may modify the conditions. There is precedent for communities coming back to the WRC for modifications. Burlington will not have to go through Massachusetts Environmental Policy Act (MEPA) process again.

Woods thought the interests are being balanced for the most part. However, she questioned MWRA water supplementing summer demand for non-essential use. She said more could be done on education of the irrigation users and advised caution. She agreed with the redundancy aspect of the project but wanted to support the community in taking steps to make sure the water isn't used for supplementing summer irrigation.

Rao responded that Burlington does need redundancy and if water is crossing a basin, the water should be used in the most efficient way and wisely. Again, she asked commissioners submit comments.

Baskin acknowledged the thoroughness of Weismantel's review and offered some comments. The 7% rate increase each year over 10 years is significant and having it memorialized in the WRC decision helps the community because the decision is a document that officials can point to. This project is a big investment and decision for Burlington- there is an admission fee and associated infrastructure costs. Baskin commented on water pricing policy and standards and it is being implemented in this decision.

Weismantel asked about MWRA outdoor watering in summer. Card answered there is not prohibition on outdoor watering. MWRA encourages all members to use water wisely and to practice water conservation, but there is not a prohibition on outdoor watering. When a member community is partial served, if the community still has a Water Management Act permit, the community may still have water conservation requirements as part of its permit. Baskin gave some background about member communities and how they are categorized as to when they joined the system. Rao explained that although the MWRA has a drought plan, the reservoirs have a lot of storage and it takes a long drought for drought thresholds to be crossed. For example, the Quabbin barely dipped below normal during the 2016 drought. On a regular basis MWRA communities do not have restrictions on outdoor watering. Card reiterated that there are different categories of communities based on when they joined the system and the MWRA drought management plan is such that member communities are not impacted as much as other communities, such as during this summer's drought.

Ragucci commented on the political aspects of water rates and agreed with Baskin that it is good for the state to have policies for communities to point towards. Woods reiterated that local suppliers are looking to the state for leadership and as a backstop to make the case for rate increases and conservation, so there is something to be said for the WRC in taking a strong leadership role in the responsible use of water, particularly in light of climate change; even if MWRA doesn't restrict outdoor use, the WRC doesn't have to say that is ok.

Pederson was concerned from a broader policy standpoint. She commended Burlington for working with WRC, but wanted to acknowledge administrative lift, and also pointed out this project stems from a contamination issue. Rao responded that there is a high lift, but that this is the intent of the Interbasin Transfer Act; in cases where water is being moved across basin lines, the bar is higher, and the WRC is bound by the law.

Dewey reiterated moving large amounts of treated water from western central Massachusetts to the eastern part of the state deserves the highest scrutiny. WSCAC supports the high level of scrutiny; water shouldn't be transferred so it can be put all over laws.

Cohen pointed out that the rates must encourage conservation and this concept requires some interpretation and explanation. The text in the decision is to clarify policy and not to micromanage. Rao explained how important the detail in the decisions is in outlining the reasoning, thinking, and analysis of the WRC and is not the WRC trying to micromanage.

Rao reviewed the rest of the schedule for public comment and public hearing on the draft decision.

Ragucci made a motion to adjourn; Weismantel seconded. The roll-call vote to adjourn was unanimous of those present. Meeting adjourned, 3:14 PM.

**Documents or Exhibits Used at Meeting:**

1. WRC Meeting Minutes:
  - a. May 14, 2020
  - b. June 11, 2020
2. Memo dated August 13, 2020: Draft for Water Resources Commission Discussion: WRC Staff Recommendation, Interbasin Transfer Application, Town of North Reading's Proposal to Purchase Water from the Town of Andover:
  - a. Redline
  - b. Clean copy
3. Request from the Town of Burlington for Approval of an Action to Increase the Present Rate of Interbasin Transfer under the Interbasin Transfer Act, MGL Chapter 21 Section 8B-8D:
  - a. Draft for Water Resources Commission Discussion: WRC Staff Recommendation on the Interbasin Transfer Application from the Burlington to Purchase Water from the MWRA System
  - b. Comments from receiving basin stakeholder
4. Correspondence dated July 31, 2020, from the Water Resources Commission regarding the town of Shrewsbury's Request for Determination of Applicability, under the Interbasin Transfer Act, for a proposed replacement well.
5. Interbasin Transfer Act project status report, July 31, 2020
6. Hydrologic Conditions in Massachusetts, July 2020 (available at <https://www.mass.gov/water-data-tracking>)

*Compiled by: eg*

*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.*