



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

Meeting Minutes for July 12, 2018

100 Cambridge Street, Boston, MA, 1:00 p.m.

Minutes approved September 13, 2018

Members in Attendance:

Vandana Rao	Director of Water Policy, Executive Office of Energy and Environmental Affairs (EEA)
Anne Carroll	Designee, Department of Conservation and Recreation (DCR)
Douglas Fine	Designee, Department of Environmental Protection (MassDEP)
Gerard Kennedy	Designee, Department of Agricultural Resources (DAR)
Todd Richards	Designee, Department of Fish and Game (DFG)
Marcela Molina	Public Member
Vincent Ragucci	Public Member
Kenneth Weismantel	Public Member

Members Absent

Phillip DeMartino	Designee, Department of Housing and Community Development (DHCD)
Todd Callaghan	Designee, Massachusetts Office of Coastal Zone Management (CZM)
Thomas Cambareri	Public Member

Others in Attendance:

Randy Swigor	Massachusetts Water Works Association
Terry Howard	MA Department of Public Health, CLPPP
Stephen Estes-Smargiassi	MA Water Resources Authority
Heidi Waugh	Water Supply Citizens Advisory Committee
Frank Miles	MassDEP
Sara Cohen	DCR
Todd A. Melanson	Chelmsford Water District; MA Water Works Association
Kate Bentsen	DFG/Div. of Ecological Restoration
Sean Larkin	DFG/Div. of Ecological Restoration
Marilyn McCrory	DCR
Duane LeVangie	MassDEP
Peter Weiskel	U.S. Geological Survey
Brian Dowling	Boston Herald
Michelle Craddock	DFG/Div. of Ecological Restoration
Viki Zoltay	DCR
Vanessa Curran	DCR
Andreae Downs	Wastewater Advisory Committee
Beth Card	MA Water Resources Authority
Rajitha Purimetla	Town of Ashland, Dept. of Public Works
Doug Small	Town of Ashland, Dept. of Public Works
Jennifer Sulla	EEA

Rao called the meeting to order at 1:07 p.m.

Agenda Item #1: Executive Director's Report

Rao announced that the Drought Management Task Force met on July 12 to review data. It was noted that hydrologic conditions have deteriorated over the past few months. The consensus of the task force, however, was that conditions are still within the normal range, though the various drought indices are trending to below-normal conditions. Rao added that the task force will continue to closely monitor conditions and will reconvene, if necessary. She added that agency staff are also in the process of updating the Massachusetts Drought Management Plan.

Weismantel noted the upcoming review of an Interbasin Transfer Act application and requested a discussion of duties that the commission delegates to staff. Rao responded that nothing has changed in legal authorities, but agreed to discuss this topic at the August WRC meeting.

Agenda Item #2: Update: Hydrologic Conditions and Drought Update

Zoltay provided an update on the hydrologic conditions for June 2018. After record high temperatures in May, she noted that impacts to hydrologic conditions were seen in June, and it is expected that conditions will continue to degrade. She noted deficits in precipitation. Streamflows have been declining since mid-April, with a few spots well below normal. More groundwater wells were at below-normal levels, with some much below normal. Reservoirs in some regions were below normal. The fire index is elevated in all regions except the Cape Cod and the Islands region. Zoltay explained how the various drought indices work in the current Drought Management Plan, adding that though conditions are drying out, most indices are not yet triggering the first stage of drought.

Zoltay added that the current issue of the weekly U.S. Drought Monitor shows that abnormally dry conditions extend across the majority of the state; in addition, the NOAA drought forecast indicates that drought development is likely. Rao repeated that agency staff will continue to closely monitor conditions and keep the commission informed.

Agenda Item #3: Vote to Accept Ashland's ITA Application to Join the MWRA as Complete

Rao acknowledged Mr. Doug Small, director of public works, and Ms. Rajitha Purimetla, town engineer, of the town of Ashland, which has submitted an application to join the Massachusetts Water Resources Authority's (MWRA) system. Rao briefly summarized the Interbasin Transfer Act review process, noting that review of an ITA application begins once the Massachusetts Environmental Policy Act (MEPA) process has been completed. The first step is for the Water Resources Commission to determine whether to accept Ashland's ITA application as complete.

Carroll reviewed the facts related to the application, noting that Ashland has land area in the Concord River Basin, and the MWRA has sources in the Chicopee and Nashua river basins. The town is proposing to purchase up to 1.6 mgd of water from the MWRA to supplement its local water supply sources. She noted that the evaluation of viable local sources determined that these sources are not viable for various reasons.

Carroll reviewed Ashland ITA-related submittals to date, including the Draft Environmental Impact Report, WRC requests for additional information, and the Final Environmental Impact Report. She noted that the Secretary's Certificate on the Final EIR was issued on June 29, 2018, stating that no further MEPA review is needed.

Carroll reviewed the next steps in the process, starting with a vote by the commission to accept the application as complete. She explained that this vote “starts the clock,” and the commission has sixty days in which to review and discuss the merits of the proposal and consider public comment at two public hearings: one in the donor basin and one in the receiving basin. After the close of these public hearings, WRC staff will present a recommendation to the commission on whether to approve or deny the interbasin transfer request. A third public hearing will be held on the staff recommendation, and the commission will then have sixty days from the close of this public hearing to make a decision.

Rao invited representatives of the town of Ashland to comment. Mr. Small noted that he has been working on this project since 2007 and thanked the commission for the opportunity to participate in this process.

Weismantel commented that though the distribution systems of Ashland and Hopkinton are not comingled, the Hopkinton Reservoir serves as a shared resource. He noted that Hopkinton relies significantly on this source. Rao replied that the comment on comingling is in reference to the existing infrastructure of the distribution systems of the two towns and MWRA water. She offered to schedule a meeting to discuss Weismantel’s concerns.

Rao explained that the staff recommendation for today’s meeting addresses whether the commission has all the information it needs to complete a full review and meet the requirements of the Interbasin Transfer Act. She added that the commission and the public will have sixty days after this determination in which to discuss the merits of the application and request additional information from the applicant, if needed.

Richards requested clarification on the timeline for reviews. Rao explained that the commission has sixty days from the close of the third public hearing on the draft staff recommendation to make its decision. Both the applicant and the commission must agree to extend the deadline for a decision beyond sixty days.

Rao invited a motion.

V O T E	A motion was made by Weismantel with a second by Ragucci to accept Ashland’s application under the Interbasin Transfer Act to join the MWRA Water Works System as complete. The roll-call vote to approve was unanimous of those present.
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Agenda Item #4: Update: Lead in Drinking Water, including Lead Service Line Replacement Activities

Rao noted that commission members had requested an update on what Massachusetts is doing to address lead in drinking water. Fine introduced Terry Howard of the Department of Public Health’s Childhood Lead Poisoning Prevention Program; Frank Niles of MassDEP’s Drinking Water Program; and Stephen Estes-Smargiassi of the Massachusetts Water Resources Authority.

Howard explained the effects of lead exposure, especially on children, and why preventive measures are important, noting that lead poisoning can cause brain damage and that the damage is permanent. She added that long-term, low-level exposure to lead can also have harmful effects. She explained how children are exposed to lead, noting that most are exposed in their homes through lead paint hazards. She reviewed the requirements of the Massachusetts

lead law (MGL. Ch. 111, Sec 189A- 199B), which includes a universal screening requirement for children in high-risk communities. She reviewed screening rates in Massachusetts (77 percent statewide in 2016) and noted a declining incidence of lead poisoning since 2000. She also noted, however, that lead disproportionately affects children in lower-income communities. She described mechanisms for enforcing the Massachusetts lead law, including case management, training and licensure of lead inspectors, oversight of deleading authorization, and education and outreach. She also described a drinking water sampling program, in place since October 2016, which includes inspections and testing of water service lines in homes. Testing results showed that some water lines (29 of 125 tested) were positive for lead.

Niles provided an overview of MassDEP's role in regulating lead in drinking water, providing assistance to schools, and providing assistance to water suppliers in replacing lead water service lines. He reviewed EPA's lead and copper rule, noting that its purpose is to minimize lead and copper levels in drinking water by reducing the corrosiveness of water. He reviewed action levels for lead and copper and major provisions of the rule, which include monitoring, corrosion control treatment, consumer notification, and, in some cases, lead service line replacement.

Niles explained that water suppliers must develop a lead service line replacement program if action levels are exceeded after corrosion control treatment occurs. He detailed the requirements for replacement programs, including consumer notification if only a portion of a line is replaced. He reviewed funding sources for lead service line replacement, including the drinking water state revolving fund and a new incentive for water utilities to remove the privately owned portion of lead service lines. He and Estes-Smargiassi outlined lead service line removal programs in Massachusetts communities and other states.

Fine described a technical assistance program for schools to sample and test water samples from fixtures. He reviewed results of this program from the 2016 to 2017 school year, noting that 72 percent of participating school buildings from 153 communities had one or more fixtures with samples that exceeded an action level. In response, schools took actions including removing and replacing fixtures and implementing flushing programs. Fine noted the program was expanded in the 2017 to 2018 school year to include publicly funded Head Start programs. He also noted a new source of funding from the U.S. Environmental Protection Agency.

Estes-Smargiassi noted that EPA is currently reviewing updates to the lead and copper rule, with changes potentially addressing transparency, monitoring, corrosion control treatment, and lead service line replacement. Draft rule changes are expected within the next year.

Estes-Smargiassi reviewed actions the Massachusetts Water Resources Authority is taking to reduce lead in drinking water, including its corrosion control program, a zero-interest loan program to communities in the MWRA service area to fully remove lead service lines, and a testing program for schools and licensed child care facilities, in collaboration with MassDEP. He pointed out that plumbing fixtures inside the home can still have lead solder, or brass fixtures with lead may be present, adding that homeowners still have some responsibility for mitigating lead hazards in the home, for example, by flushing, since stagnant water offers a greater opportunity for exposure to lead than fresh water.

Questions and comments addressed turmeric and other spices as a possible source of lead exposure, the toxicity of copper, the number of children with blood levels of concern, and

clarification on what is done in cases where blood lead levels are below the level of concern but mandated enforcement is not triggered. Other questions concerned the availability of peer-reviewed studies on the best methods of lead abatement and the number of communities taking advantage of funding to replace lead service lines. In response to a question about what portion of problems can be attributed to lead in drinking water, Howard and Estes-Smargiassi explained that the answer is not always clear, and water is unlikely to be the single contributor to lead exposure; however, the goal is to reduce all paths of exposure as much as possible. There was also a discussion of the effectiveness of flushing as a remedy to reduce lead hazards in water and various options for flushing by using water for other purposes than drinking.

Weismantel thanked the speakers and noted that there is more the state can do to accelerate the pace of lead service line replacement. As an example, he suggested modifying existing regulations or working with the legislature on requirements for lead service line replacement upon real estate sales. Estes-Smargiassi responded, noting 2015 recommendations of the National Drinking Water Advisory Council to states; these included disclosure, removal of lead service lines upon sale of real estate, and adding lead service line removal as an eligible item under certain federally funded lead abatement programs. Niles and Howard pointed out that schools are not currently required to be delead nor are they required to sample water for lead. Estes-Smargiassi discussed the challenges associated with replacing piping and fixtures, noting that such efforts can sometimes uncover other problems or evolve into more costly hazardous waste remediation projects.

In response to a question about bottled water, Estes-Smargiassi explained that bottled water must meet the same water quality standards, but is tested less frequently.

Meeting adjourned, 3:00 p.m.

Documents or Exhibits Used at Meeting:

1. Staff Recommendation on Completeness of Ashland's ITA Application
2. Correspondence:
 - From Vandana Rao to Roger Hill, Town of Foxborough, concerning construction of a Treatment Plant at Pumping Station No. 1
 - From Vandana Rao to MEPA concerning Ashland's FEIR
3. Article from the *Journal of the American Water Works Association*: Net Blue: Using Offsets to Accommodate Growth in Water-Scarce Communities (April 2018)
4. Interbasin Transfer Act project status report, 27 June 2018
5. June 2018 Hydrologic Conditions in Massachusetts (available at <https://www.mass.gov/water-data-tracking>)
6. Presentation by Vandana Rao and Anne Carroll: Ashland's Request to Join the MWRA under the Interbasin Transfer act: Recommendation to Accept the Application as Complete (<https://www.mass.gov/service-details/review-our-meetings>)
7. Presentation by Terry Howard, MDPH; Frank Niles, MassDEP; and Steve Estes-Smargiassi, MWRA: Update on Lead in Drinking Water (<https://www.mass.gov/service-details/review-our-meetings>)

Compiled by: mjm

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.