



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

Meeting Minutes for June 14, 2018

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

Minutes approved September 13, 2018

Members in Attendance:

Vandana Rao, Chair	Designee, Executive Office of Energy and Environmental Affairs (EEA)
Phil DiMartino	Designee, Department of Housing and Community Development (DHCD)
Anne Carroll	Designee, Department of Conservation and Recreation (DCR)
Douglas Fine	Designee, Department of Environmental Protection (MassDEP)
Hotze Wijnja	Designee, Department of Agricultural Resources (DAR)
Michelle Craddock	Designee, Department of Fish and Game (DFG)
Thomas Cambareri	Public Member
Bob Zimmerman	Public Member
Kenneth Weismantel	Public Member
Marcella Molina	Public Member
Vincent Ragucci	Public Member

Members Absent:

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

Sara Cohen	DCR
Marilyn McCrory	DCR
Michele Drury	DCR
Viki Zoltay	DCR
Vanessa Curran	DCR
Erin Graham	DCR
Jennifer Pederson	MWWA
Kate Bentsen	DFG/DER
Sean Larkin	DFG/DER
Andreae Downs	WAC
Peter Weiskel	USGS
Lexi Dewey	WSCAC
Liz Walk	Office of Rep. Carolyn Dykema
Nancy Hammett	
Kathleen Baskin	Weston & Sampson
Gabby Queenan	Massachusetts Rivers Alliance
Dan Sieger	EEA

Rao called the meeting to order at 1:03 pm with a roll call.

Agenda Item #1: Executive Director's Report

- Rao noted that a story in the April 2018 Journal of the American Water Works Association, Net Blue, featured two case studies from Massachusetts and highlighted both the Water Resources Commission and the State Water Conservation Standards, approved by this Commission. It also emphasized water banking, which was an appendix to the Water Conservation Standards. The Town of Danvers' water conservation efforts were also highlighted. Pederson volunteered to forward a pdf of the article for inclusion in next month's WRC mailing.
- Ragucci announced that North Reading has signed a 99-year contract with Andover to purchase water. This will require ITA approval by the WRC. In the early 1990's, the Commission approved a water purchase by North Reading from Andover under the ITA. This would be an increase over that amount of interbasin transfer. Drury has been in touch with North Reading about this. They will also likely need to have this new purchase proposal reviewed under the MEPA regulations.
- Cambareri mentioned EPA listening sessions on perfluorinated substances. These will be held on June 25th and 26th in Exeter NH. There has been some perfluorinate contamination of water supplies all over New England, including on the Cape. Rao asked if the listening sessions were to get information and feedback on the problem to determine if EPA would regulate these compounds? Fine said DEP has been in contact with EPA Region 1. There will be ten of these listening sessions nationwide, one in each EPA region. The intent is to get feedback for a national strategy. Fine added that DEP has released stronger perfluorinate guidelines. DEP may add them as a maximum contaminant levels at a later date, but this is a first step. DEP has notified public water suppliers about these guidelines and have asked them to take actions if they detect perfluorinate contaminants. Pederson stated that these are not standards, but DEP treats them like standards. Most public water suppliers that have found these contaminants are abiding by the guidelines.
- Zimmerman announced that Emily Norton had been hired as the new Executive Director of the Charles River Watershed Association.

Agenda Item #2: Hydrologic Conditions Report

Zoltay referred to the Hydrologic Conditions report. The month of May experienced drier conditions than previous months. This is the start of the growing season so conditions continue to be closely monitored. The outlook for June is not promising in terms of precipitation.

During May, the state as a whole had below normal precipitation, ranging from 40% to 70% of normal. The Connecticut River Valley region received the least precipitation. In spite of this, the drought index for precipitation did not trip, as yet.

Below normal streamflow is prevalent in the central and western parts of the state but the index is not yet tripped because less than half of gages are below normal in each region. Ground water levels showed a similar trend, multiple wells below normal in central and western part of the state but the groundwater index is not tripped. Only the West Region had the majority of wells below normal but because this is the first month for this condition the groundwater index does not trip.

Reservoir levels were normal.

The US Drought Monitor put the north central region at the advisory level, as of today (6/14/18). Temperatures are projected to be above normal June through August. This will add to evapotranspiration. Precipitation is projected to be above normal.

(Hydrologic Conditions Report is available at: <https://www.mass.gov/service-details/hydrologic-conditions-reports-0>)

Agenda Item #3: Vote on the Minutes of February and March 2018

Rao invited a motion to approve the meeting minutes for February 8, 2018.

V	A motion was made by Weismantel with a second by Ragucci to approve the meeting minutes for
O	February 8, 2018.
T	
E	The vote to approve was unanimous of those present.

Rao then invited a motion to approve the meeting minutes for March 8, 2018.

V	A motion was made by Weismantel with a second by Ragucci to approve the meeting minutes for
O	March 8, 2018.
T	
E	The vote to approve was unanimous of those present.

Agenda Item #4: Vote in the FY19 Work Plan

Carroll reviewed the Work Plan, which includes a retrospective of 2016 drought and an update of the Drought Management Plan. Reviewing, evaluating, and reporting on water conditions is an on-going task. We will also be working on implementation of the Water Conservation Standards. We are currently identifying priorities for implementation and will be reaching out to stakeholders. Another important task is updating the Interbasin Transfer guidance materials. Under Water Management Act support, development of water needs forecasts has largely wrapped up, but staff will be reporting to the Commission on this work. We also need to begin to draft the FY18 annual report.

Weismantel asked that delegation of Interbasin Transfer duties from the Commission to staff be added to the Interbasin Transfer section. Carroll said this item would be added to the work plan. Weismantel then asked if a high priority should be given to drought management plan. Rao replied that this is the top priority. The drought management plan will include sections on preparedness and response. Pederson asked about the rate study. Craddock replied that it is being completed and that a presentation would be made to the WRC at a future meeting.

Rao invited a motion to approve the WRC Work Plan for FY 2019.

V	A motion was made by Weismantel with a second by Ragucci to approve the WRC Work Plan, as
O	amended , for FY 2019.
T	
E	The vote to approve was unanimous of those present.

Agenda Item #5: Presentation on Natural Resource Damages Settlements and Groundwater Restoration

Pelto stated that she recently attended a meeting on hazard mitigation and climate adaptation planning. FEMA is encouraging municipalities to include drought and green infrastructure in their hazard mitigation planning. Under the Natural Resources Damages Program, the term “natural resources” includes everything: air, water, soil, groundwater, etc. It also includes the services provided by the resources (such as drinking water, recharge, fishing, shellfishing, etc.). DEP’s 21E program focuses on clean-up of hazardous substances once they are released into the environment, and reducing or eliminating risk of damage. The Natural Resources Damages program focus is similar, but looks at the effect of hazardous

substances on resources, the types of damages, and the extent of injuries to the resource. The program is concerned with compensation for loss of resources and services. Authority for this is under federal and state laws. Federal laws includes CERCLA - or Superfund, and the Oil Pollution Act of 1990; these acts designate state government as trustees of the resources; state laws include 21E and a law designating the secretary of EEA as the natural resources trustee for Commonwealth.

The program has recovered over \$76 million in damages. Specific examples: Textron at the Mass Military Reservation had exceedances of drinking water and other standards in some plumes. The Department of Defense was also involved as a responsible party *and* a trustee, which helped bring all parties to a settlement. Restoration projects identified were land acquisition in the Zone 2s of municipal wells and two comprehensive regional planning efforts. Another \$1 million settlement in Walpole included payment for ecological and groundwater injuries. \$300k of this settlement was earmarked for groundwater restoration. When a case is settled in Massachusetts, a restoration plan must be produced. These plans have a lot of public input.

Zoltay asked how much money was actually used for cleanup. Pelto responded that the money collected under this program was not for cleanup. Cleanup is handled by other programs, such as EPA and 21E. The damages program funds are compensatory, for the loss the public has suffered, to be used for restoration.

Pelto responded to a previous question from Rao concerning how the dollar amount is determined under the damages program. The area of land etc. exceeding the standard is calculated to determine the area of land needing protection. Next, the recharge rate for this area is determined, as well as the volume over time, i.e., when it was injured and when it is expected to meet standard. This is used to determine the replacement value per year, taking into consideration the land protection costs and costs of water. This is theoretical, used to monetize the value.

The program is developing a standard method to determine damages. One can always conduct a site-specific assessment, but that doesn't always make sense for smaller sites. Once the standard method has been developed, it will be put into regulations, after a public comment period. The program has conducted two stakeholder meetings, and has presented the methodology to its advisory committee. They have had feedback from both groups and they will be responding. This is documented on the NRD website.

Pederson asked about using this for SWMI mitigation. Her understanding was that federal funding under this program can't be used. Pelto responded that the program worked with EEA on language to allow for mitigation in certain cases. Projects under enforcement will not be able to use these funds. Weismantel asked if the WRC needed to review these regulations. Pelto answered, no but she wanted to inform the Commission about the program. Rao asked how the loss of the resources, themselves, are evaluated. Pelto responded that they used a percent service loss method. Depending on the resource lost, this can be straightforward or very difficult. Types of evaluation include habitat equivalency and resource equivalency analyses.

Cambareri asked how a site gets nominated. Pelto responded that the federal government has criteria: where there is a responsible party and what is a reasonable cost of assessment. Cambareri then asked if a community can make a request. Yes.

Agenda Item #6: Presentation on the Alliance for Water Efficiency Water Conservation State Score Card

Rao stated that Carroll was asked by the Alliance for Water Efficiency to serve on their Board. Carroll began with an overview of the Alliance. The Alliance was created to focus solely on water efficiency, as an offshoot of AWWA. It has 400 members and focuses on partnerships. It is a broad-based group with representatives from water supply, academia, the plumbing, air conditioning, and energy industries, etc. They have been lobbying to keep EPA's Watersense program. Their website is a great place to learn

about this group. They are looking to see how they can better serve the Northeast and they have wonderful webinars.

Carroll then described the Scorecard. This is a survey across all states to get an overview on what is being implemented on water efficiency. The survey is conducted every five years and covers 11 key topics, including water loss control, efficient fixtures and appliances, drought response, financial and technical assistance. For a state to receive credit, they need to have in place regulations on these topics, not just policy. Massachusetts did not get an A on the scorecard, but we did improve from a C to a B. The state got special mention for the financial assistance given to communities (mostly by DEP) and for having a Drought Management Plan. In the next survey, Massachusetts could probably improve its score through the work we plan to do on updating the plumbing code.

Agenda Item #7: Farewell and Recognition of Public Member Bob Zimmerman

Rao congratulated Zimmerman on his retirement. She thanked him for his contributions to the WRC and for consistently advocating for the needs of the environment and habitat. Rao stated that Zimmerman encouraged the State to change its thinking and to work on projects that mimic the natural hydrological cycle. Zimmerman has witnessed and influenced many of the WRC's accomplishments over the years. Sieger expressed the Secretary's thanks and presented Zimmerman with a citation from the Governor. Baskin stated that Zimmerman was a big thinker, and thanks to his persistence, a lot of his vision has come to pass. Cambareri and Downes related anecdotes of how helpful and inspiring Zimmerman had been. Carroll talked about Zimmerman's help on cyanobacteria and other programs and congratulated him on using the best science. Hammett lauded Zimmerman's example in developing the Charles River Watershed Alliance and sharing information and ideas with the rest of the advocacy community. Weiskel talked about collaborative efforts between USGS and CRWA. Queenan echoed many of these sentiments.

Zimmerman expressed his gratitude for this tribute. He said that he would take all the information that has been developed in Massachusetts to other areas, such as Detroit. He will also be working on climate change and adaptation issues. He stated that his work on the Commission had been a lot of fun and he appreciated the opportunity to have worked with all of us. He was optimistic about the future of the environment in Massachusetts.

Meeting was adjourned at 2:45 pm.

Documents or Exhibits Used at Meeting:

1. WRC Meeting Minutes for February 8, 2018
2. WRC Meeting Minutes for March 8, 2018
3. WRC Draft Final Work Plan, June 1, 2018
4. Interbasin Transfer Act project status report, May 30, 2018

Compiled by: MHD

Agendas and minutes are available on the web site of the Water Resources Commission at www.mass.gov/eea/wrc under "MA Water Resources Commission Meetings." All other meeting documents are available by request to WRC staff at 251 Causeway Street, 8th floor, Boston, MA 02114.