



WSCAC Meeting

Location: MWRA Facilities at Southborough
February 11, 2014
10:00 A.M.

Members in Bold in Attendance:

Whitney Beals, WSCAC Chair, NE Forestry
Andrea Donlon, CRWC
Gerald Eves, Trout Unlimited
Michael Baram, Belmont & CLF
Martha Morgan, Nashua River Watershed
Martin Pillsbury, MAPC
Bill Fadden, OARS and SuAsCo Wild & Scenic Rivers

Alice Clemente, Blackstone River Watershed
Elie Saroufim, Boston Water & Sewer
Paul Lauenstein, NepRWA
Nancy Bryant, SuAsCo
Dona Motts, MA League of Women Voters

Non –Members in Attendance:

Lexi Dewey, WSCAC staff
Kevin McCluskey-MWRA
Becky Weidman-MassDEP
Anne Carroll-DCR
Fabiola DeCarvalho-Framingham

Steve Estes-Smargiassi-MWRA
Duane LeVangie-MassDEP
Julia Blatt-MA Rivers Alliance
Andreae Downs-WAC

WSCAC Business

Whit Beals requested all in attendance state their names for the record. The January meeting summary was voted and unanimously approved. The December summary has an additional correction submitted by Michael Baram. The summary will be voted on at the March 18th meeting.

Julia Blatt, Mass Rivers Alliance-Update on Senate Bill 1880/1947

Senate Bill 1880 is a result of the work of the Water Infrastructure Commission (WIC) and their report noting that there will be a \$20 million shortfall for water infrastructure funding over the next 20 years. The funding methods in SB 1880/1947 are different than in past bills. SB 1880 raised the cap on the SRF lending program from \$88 million to \$138 million. SB 1947 increased the amount of money to \$ 250 million and included Rep. Gobi's addition of planning and technical assistance grants for smaller communities. While SB1880 gutted the Interbasin Transfer Act, 1947 eliminated that language.

The water and wastewater infrastructure bill is supported by a variety of groups including MAPC, Mass Municipal Association, engineering and consulting companies and environmental groups. While everyone doesn't necessarily agree with all the provisions, they have come together to support the bill as a first step toward addressing the growing problem of repairing underfunded infrastructure. Both SB1880 and 1947 provide planning and technical assistance grants to municipalities. There is concern about SB1947's \$250 million of funding for the Clean Water Trust/Water Pollution Abatement Trust. The state is highly leveraged with bond funding and so the concern is that our bond rating could go down as a result of this \$250 million increase.

There is a DEP administered (subject to appropriation) matching 1:1 grant program included in both SB1880 and 1947 that DEP can provide to communities to help offset the admission fee to join the MWRA or another regional entity. The bills

also address different types of green infrastructure and waterbanking. This allows communities to charge a fee for new development that the town can spend on regulatory requirements. The environmental community is concerned that removing water constraints can introduce new development that increases impervious cover, stormwater, additional waste water which can impact local streams. For example, once a community becomes a MWRA ratepayer, sprawl from unrestricted growth can be an issue. On the other side of this issue are legislators who say their towns need to be able to grow and adequate water resources are a critical factor. It's an issue that needs to be carefully managed and DEP will be developing eligibility requirements.

The bills have language that requires The Water Pollution Abatement Trust/Massachusetts Clean Water Trust to loan out at least 80% of the money annually or report back on why they haven't. Finally, the bill includes guidelines for best financial management practices such as full-cost pricing and enterprise funds.

Julia wrapped up her comments and asked for questions.

Q: What is the Clean Water Trust?

A: The Trust is chaired by the state treasurer, Steve Grossman and DEP staff are the financial managers. It's essentially a bank to provide grants to cities and towns. The federal government provides money to the states and the states leverage the money. The State Revolving Fund (SRF) has two specific programs: drinking water and clean water. As federal money has decreased, the state has increased its contribution.

Q: Is it a general appropriation?

A: It's an annual appropriation that communities across the country depend on for loans.

Q: Wouldn't it be better to protect the environment rather than collect a fee for environmental impacts?

A: The fee should be a deterrent. Think of it as a user fee for increasing the costs to the town. You could think of it as similar to the MWRA's entrance fee. However, Julia did note that if the land being developed stayed as open space it would be better from an environmental perspective.

Steve noted that infrastructure doesn't create demand it merely allocates where it shows up. The demand or desire is already there. It comes down to how development is managed within communities.

Q: The Town of Sharon with a population of 18,000, has a \$70 million annual budget. Why should Sharon as a town of under 20,000 get special funding?

A: Julia doesn't know if a needs-based assessment is being done or if state planning agencies were consulted. Martin (MAPC) noted that a needs-basis does not appear to have carried forward into the legislation. It appears to be solely based on town size.

Q: As far as full cost pricing, will there be any guidelines on the rate structure?

A: That does not belong in the statute but we hope it is in the regulations.

Duane LeVangie and Becky Weidman, MassDEP-Sustainable Water Management Initiative (SWMI)

The Water Management Act (WMA) regulations are due out in early March. The WMA is a balance between public health protection and aquatic resources. The Sustainable Water Management Initiative (SWMI) process started in 2010 with the intent of informing the regulatory process. SWMI included a robust stakeholder process and DEP feels they have struck a good balance with the new regulations. The draft regulations will be out for a 60 day comment period and will include several public meetings. The hope is that by this summer (2014) DEP will have released the new WMA regulations. The permitting process will be a longer 18-month process.

Becky gave an overview of the SWMI timeline and noted that the SWMI framework document helped guide the new WMA regulations.

Duane spoke about the science behind the regulations. Impervious cover and streamflow alterations are the biggest drivers of fluvial fish decline in rivers and streams. Streamflows were categorized with a rating scale of 1-5 with 1 being the best (i.e. least altered) and 5 the worst (i.e. most altered). Click on the link below for details.

www.mass.gov/eea/agencies/massdep/water/watersheds/sustainable-water-management-initiative-swmi.html

Although the term Safe Yield is part of the WMA, it has been problematic for 20 years. DEP is under court order to determine Safe Yield and is doing so for the 27 major basins in the State. It was noted that there are storage credits in some basins.

Michael Baram stated that Safe Yield is a straight forward engineering concept which appears in the laws of several other eastern states as well as in MA law. He added that the main problem with Safe Yield in MA and why the state stopped applying it years ago despite the law is that it causes political problems because it is considered too inflexible. Duane spoke about 20-year permits and mentioned that the new regulations will formalize the consideration of cold water fisheries.

August alterations of greater than 25% or more will be the main focus. The 150 sub-basins that fall into this category will have to minimize and do mitigation. However, it was noted that registrations are not subject to these rules. They apply to WMA permitted water only. The MWRA holds a registration for 312mgd. An average of 65 gallons per person per day will be required in the regulations. Communities that meet the 65 gallon standard and 10% Unaccounted For Water (UAW) will have more leniency. Leak detection, repair and metering are also WMA standard permit conditions. Vegetable garden watering will be considered an essential use.

Q: Will water restrictions result in more private wells?

A: The potential for this exists.

Outdoor watering in those 150 depleted sub-basins will be restricted to 1 or 2 days a week. There will be a checklist of questions for communities to consider. Duane gave the group more detail on the three tiers and options available to towns. A mitigation plan will be developed at the beginning of the permitting process.

DEP has been awarding SWMI grants to communities for various types of studies and projects. Duane noted that while towns often say they need more water, when an actual review is done, this isn't always the case. Mitigation should cause communities to rethink whether they genuinely need more water. Demand management works!

DEP expects that, in general, mitigation projects will be affordable for public water suppliers. If a PWS is concerned about the financial feasibility of a mitigation plan, DEP will provide options but the town will still need to mitigate.

DEP is putting information on the 1,400 sub-basins on their website. Duane suggested people go on the DEP webpage and use the map to look at sub-basins in detail. He pulled up a few examples and showed the data available. The number of private wells is estimated based on the Mass. Water Indicator Study.

DEP staff will be doing outreach and draft permits will have a public process. DEP is working with USGS on surface water issues.

Q: If a town is in a Category 5 and they have done mitigation does that mitigation go against their baseline?

A: No, it would not go against their baseline. The mitigation will go against the use *above* the baseline. There is no plan to condition registrations. There were questions regarding surface water withdrawals and what conditions were included in them. If the withdrawals are not registered, they are not included.

The presentation is available at: <http://www.mwra.com/monthly/wscac/meetings.html> Click on Presentations.

Anne Carroll, DCR-Update on potential changes to the Interbasin Transfer Act (IBTA)

In late December/early January in response to Senate Bill 1880/1947, a DCR working group was formed to look at a short list of potential revisions to the Interbasin Transfer Act (IBTA) regulations. The IBTA has not been revised in 30 years.

There are four areas under consideration:

- The criteria to determine insignificance. The changes are to tailor the criteria but not to weaken them.
- Transfers to stressed basins. The current criteria state that the community must show that no additional viable sources exist. But if local sources are already stressed we don't want communities to cause additional stress.
- The regional supplier consolidated donor basin model with Aquaria as an example. A regional supplier can come in as the donor. It's a hybrid model.

Finally, there are occasional tiny transfers and DCR is looking into a special process within "insignificance" to address these very small transfers.

Steve Estes-Smargiassi-MWRA Briefs

UV at the Carroll Water Treatment Plant is still operating in extended testing mode.

A number of senior MWRA staff have retired or are retiring soon including Marcis Kempe, Emergency Preparedness, Rick Trubiano, Deputy Chief of Operations and Dan O'Brien, Director of Deer Island. These positions have been refilled from within the MWRA. Steve's title has changed from Director of Planning to Director of Planning and Sustainability. The Authority will begin the process of backfilling the new vacancies.

Half of all the energy needed to run the MWRA water system is now generated by green power. Andreae Downs, WAC Director suggested renewable energy as a topic for a joint meeting in March. *
(see date of next WSCAC meeting below)

It's possible the MWRA may divert water a second time this year from the Ware River but they do not need to. Quabbin is at the low end of the normal operating band.

Within the next year, a pump station will be constructed to create redundancy for the Cosgrove by moving water up from the Wachusett aqueduct to the Carroll Water Treatment Plant.

WSCAC Briefs

- Whit mentioned that the executive committee is looking into rail and truck transport of hazardous materials over the reservoirs.
- MWRA exercised their right to divert water from the Ware River from January 13-17th for a total of 571.9 million gallons.
- Lexi attended the retirement party for Marcis Kempe at the WaterWorks Museum. He spent 35 years working first for the MDC and then for the MWRA. Eileen Simonson wrote a congratulatory letter to Marcis which was read by Jonathan Yeo at the party.

THE NEXT WSCAC MEETING WILL BE A JOINT WAC/WSCAC MEETING ON MARCH 18, 2014 AT THE WATERWORKS MUSEUM AT 10:30 A.M.