



**WSCAC Meeting**

May 13, 2014 at 10:00 A.M.

Location: MWRA Facilities in Southborough

Members in Bold in Attendance:

**Whitney Beals, WSCAC Chair, NE Forestry**  
**Andrea Donlon, CRWC** (via phone)  
**Gerald Eves, Trout Unlimited**  
**Michael Baram, BU & CLF**  
**Martha Morgan, Nashua River Watershed**  
Martin Pillsbury, MAPC

**Alice Clemente, Blackstone River Watershed**  
**Elie Saroufim, Boston Water & Sewer**  
**Paul Lauenstein, NepRWA**  
Nancy Bryant, SuAsCo  
**Dona Motts, MA League of Women Voters**  
**Bill Fadden, OARS and SuAsCo Wild & Scenic Rivers**

Non –Members in Attendance:

Lexi Dewey, WSCAC staff  
Pam Heidell, MWRA

Sue Costa, WSCAC staff  
Fabiola DeCarvalho, Town of Framingham

WSCAC Business

Whit brought the meeting to order and members identified themselves for the record. A motion to reapprove the December and February meeting summaries was made, seconded and approved. These summaries were mistakenly approved at the March meeting without a quorum. Motions to approve the March and April meeting summaries were made, seconded, and unanimously approved.

MWRA Briefs-Pam Heidell

Pam gave members an update on the Wachusett Aqueduct Pump Station. The pump station is needed for redundancy in the event of emergency or needed repairs with the Cosgrove Tunnel.

Q: Bill asked about design information on this project.

A: Pam offered to get a copy of the study that was done on this.

Bill suggested WSCAC have a tour of the John Carroll Water Treatment facility. Lexi will look into this.

Quabbin UV is moving along but there is a problem with closing off a valve to the CVA. Information is going to the Board of Directors for Wednesday's meeting on what is being done to address the Shea Avenue leak.

The hatchery project is progressing through the design phase. The pipeline will cross the Swift River via a utility sleeve under the bridge.

No new communities have joined the MWRA water system in 2013 but the Authority continues to work with communities that have expressed an interest including North Reading, Ashland, Tri-Town, and Southfield.

The Town of Hudson has recently been approved for its third designated emergency water supply to receive .5 mgd. They are not expected to sign up as a partial user. The town is constructing a pipeline to hookup untreated wells to their treatment plant.

The Town of North Reading is preparing an Environmental Impact Report. They would like to receive MWRA water through Reading rather than constructing a pipeline. Both towns are looking at the hydraulics involved.

Ashland signed up for emergency water in December but did not end up taking any. The MWRA expects the town to join as a partially served community in the future.

Q: Is there a price markup in a situation like North Reading where they will get water from Reading?

A: The town providing the water can recoup the cost of providing the water but they should not make a profit on MWRA water.

The co-digestion process is moving slowly since the residents of Winthrop notified the MWRA that they do not want additional truck traffic through the community. The Authority and Waste Mgmt. are looking into trucking/barging costs. Co-digestion can produce a tremendous amount of additional energy and savings. Pam will provide WSCAC with a PDF of the co-digestion details to send to members.

Bill asked that Guy Foss come to a WSCAC meeting to give a presentation and meet members.

#### WSCAC Briefs-Whit and Lexi

##### *Rail Safety:*

Whit noted that he spoke with Fred Laskey regarding a meeting Fred and Jonathon Yeo had with Pan Am railroad officials on rail safety. Fred said the meeting was a positive one but could not say more due to security concerns. Whit said that the only option to reroute rail traffic around the Wachusett would likely be through more highly populated areas – an undesirable alternative.

The cost to improve and upgrade railcars will require billions of dollars of investment. Whit suggested the committee should write a letter to the MWRA to note our awareness of the vulnerability of the reservoir, our concerns about it, and to acknowledge the MWRA's efforts to minimize the risk.

Q: Did Fred say anything about what the railroads are willing to do to mitigate the problem?

A: Fred did not say anything specific but Whit thinks the railroads are nervous because of the liability issues.

The volume of rail traffic carrying volatile crude oil has increased from 10,000 cars in 2011 to 400,000 cars in 2013.

Michael said he sent a personal message to Fred Laskey about increased rail traffic involving oil and chemicals by CSX/Pan Am which endangers the MWRA system and requested Laskey's urgent attention to this risk. He distributed copies of his email message to Laskey and said he was glad WSCAC is finally going to write a letter to MWRA to keep pushing this issue. He acknowledged the difficulty of solving this problem because of federal laws which preempt state and local intervention in railroad routing and which restrict public disclosure of information regarding risks to public water supplies, but said he hopes that a concerted effort would be made by the MWRA.

Andrea thinks we should send a copy of the WSCAC letter to the EPA and others. Whit wants to include legislators as well.

Paul noted that improving rail cars may reduce but will not prevent ruptures. He suggested we look at speed limits, track inspections, staffing of trains, and notification of shipment contents. There was some discussion of whether the MWRA needed shipment notification ahead of time or only in the event of a spill. No consensus was reached. Lexi suggested we ask the MWRA if they would like our assistance through a letter of concern to various agencies. Bill suggested MA DOT rather than the MWRA would be the appropriate organization.

Members expressed concern about railroad infrastructure improvements and the lack of information/transparency. Pam noted that Fred is very concerned about railroad safety and emergency preparedness. Dona suggested it is important for WSCAC to have a paper trail on this issue.

Elie asked if the MWRA wants to take on the responsibility of knowing ahead of time what is on board the rail cars. Pam said the MWRA and DCR definitely want to be prepared.

The group agreed to highlight the following in their letter:

- Speed limits
- Track inspections
- Staffing levels on trains
- Shipment notifications

Interbasin Transfer Act (IBTA) revisions:

Lexi noted that WSCAC comments on the proposed revisions to the IBTA were sent to the MWRA, the MWRA Advisory Board, DCR and the Water Resources Commission. The revisions will be voted on in June at the WRC meeting. We will have another chance to comment and can include more information on rate structure.

Paul feels any new community coming into the MWRA should be required to have full cost water pricing and progressive ascending block water rates. Further, he would like to see standards that define what conservation-oriented rates look like. Pam stated that high base costs can encourage conservation and noted that descending block rates are the issue.

Lexi mentioned that water suppliers at last week's DEP public meeting/hearing expressed unhappiness with SWMI. They are concerned about increasing water rates and mitigation costs.

Q: Michael asked about the IBTA versus MWRA's authority to bring in new members. Are they exclusive?

A: Pam stated that they are not exclusive of one another. She noted that the IBTA says present rate of transfer and that at the time the IBTA was passed the present rate of transfer was 330 mgd. Demand keeps dropping. The MWRA admission process includes language that encourages the community to meet state water conservation standards as well as a number of regulatory requirements.

Q: Paul asked if Weymouth or the Southfield Naval Air Station are inter-basin transfers?

A: Pam said Southfield is looking at lots of different options including local water. Politics are involved.

Martha said the Nashua River Watershed Association (NRWA) agrees a one-time consolidated application for a donor basin makes sense. NRWA has issues concerning the management of downstream releases for the South Branch of the Nashua. In addition, they want communities requesting water to have a local water management program.

Andrea stated the CT River Watershed Council (CRWC) agrees with the NRWA and CRWA comments. They are mainly concerned about the timing of the IBTA changes - they are taking place at the same time everyone is focused on SWMI. They are also in favor of a sunset provision on the amount agreed upon for the consolidated donor basin.

Lexi will write up the discussion from last week's WRC meeting. Many of the points brought up today were discussed. Michele Drury mentioned annual monitoring language instead of a sunset provision which is seen as problematic due to time constraints within the process. Lexi will send out more information as she gets it. Several people in the meeting thought a 20-year sunset provision was too long. Michael pointed out that 10 years would be too short to allow for the admission process and necessary infrastructure planning.

#### Sustainable Water Management Initiative (SWMI):

Lexi asked members if two letters should be written – one for DEP and one for MWRA. Paul and Andrea suggested that we do not need to address comments to the MWRA. They suggested we cc the MWRA on the DEP letter.

Paul fundamentally objects to the way Safe Yield is constructed – based on an annual average as opposed to the August median flow. DEP's safe yield allows water suppliers to pump too much in August. The *annual* average allows for flow 2 or 3 times higher than *actual* August flow. DEP's Safe Yield methodology is based on annual drought flow and is 2 to 3 times higher than Safe Yields implied by the USGS Fish and Flow study, which are based on August drought flows.

Whit noted that the DEP's safe yield allows for continued stress due to permitted withdrawals that exceed seasonal flows.

Paul reminded everyone that SWMI started out to address the problem of stressed basins but has not addressed it. SWMI would accommodate increases in withdrawals rather than requiring reductions in withdrawals.

Dona suggested several revisions to the SWMI comments that Lexi drafted. Dona agreed with the MA Rivers Alliance that the Safe Yield methodology is not scientifically based. Whit also made additional changes to the draft comments.

Dona spoke about problems with mitigation credits. She used Amherst as an example of a community that views mitigation credits as a justification for more development rather than to reduce stress in the basin. UMass Amherst wants to add additional students and mitigation is being viewed as a way to do that.

Paul asked Dona what she would propose for mitigation. Dona read from Julia Blatt's (MA Rivers Alliance) comments on mitigation. Julia stated that "mitigation requirements need to be strengthened. By giving credit for "indirect mitigation" activities such as the establishment of an aquatic restoration fund or passage of a stormwater by-law, MassDEP will be trading away actual gallons of water in exchange for measures that may or may not produce needed results. This introduces a great deal of uncertainty into the mitigation equation, and could also lead to future double counting, if any of these actions eventually lead to actual mitigation." Dona suggested caution on the mitigation requirements.

Paul would like to see full-cost water pricing with standards set for a rate structure that encourages conservation – analogous to generally accepted accounting principles for businesses – required in every community including those with registrations only.

Elie gave the committee a feel for the realities of water and sewer pricing. In particular, the fact that Boston Water & Sewer does not necessarily turn water off if the water bill isn't paid. A shut-off notice takes months and cannot be implemented if an elderly person or child resides in the house. Unpaid water bills result in higher water costs to those who do pay. Most unpaid water bills are for rental units where tenants do not pay their water bills and have no incentive to conserve.

Bill asked for clarification on the purpose of WSCAC's SWMI comments. He suggested the comments be reorganized. He also suggested removing the reference to the MWRA as it is not relevant to the comments. He said the purpose of the letter is to address the regulations not to talk about what can be done to meet the regulations. Bill feels that bringing in the MWRA and options for meeting the regulations dilutes the letter.

A discussion of the MWRA's role and whether it should be included in this letter ensued with Alice, Dona, and Michael weighing in. Bill stated that comments should be clear and focused with the goal of receiving a response. Lexi offered to remove the MWRA reference and rework the comments. She will start the comments with an executive summary at the beginning and then explain why WSCAC is raising these concerns.

Andrea asked whether WSCAC members feel SWMI is going in the right direction. She also offered a critique of the comments. She feels some of the comments lack clarity. The group did not agree that SWMI is a good next step. Michael and Paul feel SWMI is a step in the wrong direction. Bill questioned if the concept is right but the vehicle is wrong? Whit and others noted that the Safe Yield methodology is poor. Safe Yield is not addressed adequately and the calculation is based on a false premise.

Lexi asked if the group wanted to state that they do not support SWMI. Bill said he supports the concept of SWMI but not the current regulations. Paul noted that some good things have resulted from the SWMI process, such as the fish and flow study, the biological categories map, and DEP's on-line tool.

Bill suggested a seasonal Safe Yield. Paul agreed and suggested Safe Yield be set at 25% of August median flow and use it as a target with a 20-year timeframe to meet it. This would be similar to the way the goal and timeframe for carbon emissions was set in the MA Global Warming Solutions Act. Bill acknowledged Paul's efforts to educate everyone with his in-depth SWMI comments.

Lexi again asked members if they wanted the comments to say WSCAC does not support SWMI but also acknowledge the fish and flow study, the biological categories map, and the on-line tools. There was no consensus - some members do not support SWMI and others do. Lexi noted that we need to come to a majority decision on what our position will be.

Paul suggested that members send Lexi their views of SWMI. Lexi will redraft comments and send them to members. We will use the June 10<sup>th</sup> meeting to finalize and vote on the comments. ***Lexi asked members to email their comments to the office by May 23<sup>rd</sup>.***

Whit noted that he attended a meeting of the 495 MetroWest Partnership on the topic of SWMI. Everybody at the meeting was concerned about their clients (municipal water suppliers and big businesses). Nobody was concerned about the health of our waterways. The focus was on getting enough water and the increased costs/impediments that the SWMI regulations might impose.

Paul asked about open meeting law and sending out personal comments. It was clarified that the committee members cannot deliberate on WSCAC business amongst each other via email but sending personal comments is acceptable.

Michael asked about the proposed Tennessee Gas Pipeline. Before the meeting, Lexi emailed comments to members prepared by the MA Association of Conservation Commissions (MACC) and sent to Gov. Patrick on the proposed Kinder Morgan pipeline route through Northern MA. The proposed federal guidelines are not mandatory but we are hoping they will become mandatory.

Lexi reminded members of the June 10<sup>th</sup> WSCAC meeting at Quabbin and noted it will be a working meeting on SWMI regs./comments rather than a tour of the UV at Ware Disinfection and the hatchery pipeline/hydro. site. A couple of members suggested a working meeting for the morning (10:00-12:00) and a boat tour after lunch.

The meeting was adjourned.