



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

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**Meeting Minutes for December 13, 2007**

*Minutes approved May 20, 2008*

**Members in Attendance:**

Kathleen Baskin	Designee, Executive Office of Energy and Environmental Affairs
Marilyn Contreas	Designee, Department of Housing and Community Development
Jonathan Yeo	Designee, Department of Conservation and Recreation
Glenn Haas	Designee, Department of Environmental Protection
Gerard Kennedy	Designee, Department of Agricultural Resources
Russ Cohen	Designee, Department of Fish and Game
John Lebeaux	Public Member
Bob Zimmerman	Public Member

**Others in Attendance:**

Michele Drury	DCR
Linda Hutchins	DCR
Marilyn McCrory	DCR
Anne Monnelly	DCR
Margaret Callanan	EEA
Jennifer Pederson	Massachusetts Water Works Association
Aaron Weieneth	Metcalf & Eddy
Robin Johnson	CDM
Roger Frymire	Citizen, Cambridge, MA

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**Agenda Item #1: Executive Director's Report**

Baskin announced that, because of the declared winter storm emergency, the scheduled public hearing on Index Streamflows would be postponed until the January 2008 WRC meeting. She also announced that the meeting today would focus on one agenda item, the discussion and vote on the revisions to the Water Needs Forecasting Policy and Methodology.

**Agenda Item #2: Vote: Water Needs Forecasting Policy and Methodology:  
Revisions and Response to Comments**

McCrory reviewed the recent history of revisions to the Water Needs Forecasting Policy and Methodology and the public comment process, noting that this was the fifth update provided this year to the Water Resources Commission on the revisions. She said three comment letters had been received during the second comment period on the revisions presented at the November

2007 WRC meeting and thanked those who had taken the time to submit written comments. She called attention to the written response to comments distributed to commission members. She then reviewed two substantive changes that had been made in response to these comments. In response to a comment that interim allocations might become final by default, a paragraph had been added to page 5 to clarify that MassDEP may change volumes in a WMA permit if the water needs forecast indicates that future water needs will be less than the volumes used in the interim allocation. The second substantive changes were made to pages 9 and 11 to clarify that MassDEP will develop permits in accordance with the Water Management Act permitting policy, which is a dynamic document.

McCrorry also reviewed a memo from staff (dated December 3, 2007) responding to a request made at the November WRC meeting for more detail on the level of effort involved in preparing a water needs forecast and the additional level of effort required to bring individual forecasts to the commission for review and approval. This memo provides backup for the proposed revision that delegates authority to WRC staff to implement the approved methodology and waive formal WRC review and approval of each individual forecast. She described in detail the level of effort involved and explained that the proposed revision was suggested to make the expected workload of forecasts more manageable. She added that WRC staff would continue to inform the commission on forecasts being prepared, with the level of detail on such reporting remaining to be worked out. She also noted that, as requested at the November 2007 WRC meeting, staff would bring the first few forecasts developed using the revised methodology to the commission for review.

Baskin added that commissioner Cambareri, though not in attendance, had communicated to Baskin that he was satisfied with the response outlined in the December 3 memo on level of effort and approved the concept of delegating authority to staff. Baskin also reiterated that any commissioner, staff member, or member of the public can request that a particular forecast be considered by the commission. Yeo added that DCR is attempting to increase its staffing levels to handle the forecasting workload.

Lebeaux expressed concern about the process by which the commission would consider requests for review of forecasts. He suggested changing the word “may consider” to “will consider” in the last sentence of paragraph 2 on page 3. Haas proposed striking the word “flexibility” on pages 9 and 11, explaining that MassDEP has all the flexibility it needs. Baskin responded that the intent was that the WRC methodology will fit MassDEP’s WMA permitting policy and timelines. She suggested inserting instead the phrase “flexible forecasts.” Haas agreed.

Pederson stated that the Massachusetts Water Works Association remained concerned about the appeal process if a water supplier did not agree with the forecast developed by WRC staff. McCrorry responded that the range of volumes that will be generated for the forecast will provide sufficient flexibility, and that it will be up to MassDEP to determine where in that range the permitted volumes would fall. Yeo added that if staff and the town could not get to “yes,” then the question could be brought to the commission. Baskin added that questions about whether a particular development should be included in a forecast should be worked out in discussions with staff. Drury added that, in the past, staff has worked through these issues with communities. Haas added that water suppliers have two opportunities for appeal: first, they can request review

by the commission, and, secondly, once MassDEP has issued a permit, they can appeal the permit. Baskin added that the methodology provides many areas for flexibility.

Cohen commented that breaking out treatment plant losses as a separate category is appropriate and that this is another area where, as technologies improve, efficiencies can be realized. He suggested that future updates to the water needs forecasting methodology and Water Conservation Standards should factor in best management practices for reducing losses in treatment plant processing.

Lebeaux expressed concerns in a number of areas. He stated that the appeal process should be independent of the organization that establishes the item being appealed. He also objected to a process where standards and policies over time become de facto regulations. In addition, he expressed concern about the potential economic impacts of reducing projections for nonresidential water use by 10% over 10 years. He also said he was not sure why the minimum requirements for obtaining a forecast were different from the conservation standards of 65 gpcd and 10% unaccounted-for water. Finally, he said it was not clear to him how the process for developing forecasts for communities with seasonal population fluctuations would play out.

Yeo responded that DCR staff would be working with the water suppliers on the details of a forecast. He added that the Water Resources Commission represents both public entities and communities and that any appeal through the commission would therefore have an independent hearing. Haas added that appeals of the MassDEP permit are considered by the Division of Administrative Law, which is independent of the Environmental Secretariat. McCrory added that the process of developing a forecast is intended to be a collaborative one between the community and DCR staff. Drury added that the intention of staff is to represent what a community needs to accommodate growth, and that through this collaborative effort, there should not be a need for appeals.

Baskin explained that the 10% target reduction in nonresidential water use over time was developed in concert with the Office of Technical Assistance, and that the 10% target is likely a conservative estimate. She added that this issue could be discussed with staff during the process of data gathering for a forecast. Staff would have to consider such things as whether the mix of industries has changed. She noted that many businesses are keying into water conservation as a way to save energy. Yeo advised evaluating the results of the first few projections. He noted that many industrial-commercial-institutional enterprises have been improving efficiencies for over 20 years, and that it is reasonable to assume they may continue to improve conservation. He added that there may be cases where a particular sector, such as the hotel industry, has already made major changeovers. In these cases, it may not be reasonable to expect additional efficiencies, and these situations would have to be discussed with staff.

In response to Lebeaux's question about the minimum requirements for obtaining a forecast, Baskin explained that there must be some integrity in the data. Monnelly added that the intent of the minimum requirements was to set a benchmark, and if a water supplier's per capita residential water use is either extremely high or extremely low, a closer look at the data would be warranted. In such cases, the policy instructs the water supplier to consult with DCR staff. She added that for systems where unaccounted-for water exceeds 15%, it is difficult to accurately

project water needs because there is more uncertainty about how much water to allocate to different categories of use. As with the RGPCD standard, if a water supplier exceeds the minimum requirements, they are advised to consult with DCR staff to see if the water can be allocated properly. Yeo added that many communities with older infrastructure have UAW in the 15% to 20% range, and that without a 20-year program of replacing water mains, it may be difficult to reduce leaks. He said staff would work with such communities to determine if the data are sufficiently accurate.

Drury addressed the question of how projections for communities with seasonal population would be handled. She explained that a straight average using average day demand would not capture seasonal peaks. Instead, staff had worked in the past with the Cape Cod Commission and water suppliers in the Cape and Islands region to develop projections using a weighted average of the off-season and in-season water use. Drury added that the key is getting a handle on seasonal population, and that staff would work with the Cape Cod Commission to obtain population estimates.

Baskin concluded that Lebeaux had highlighted the areas that staff and the commission recognize involve some uncertainties, but it was important to have a standard methodology to start with. She added that the policy and methodology can be modified if some aspect of it appears to be not working.

Haas added that it should be remembered that a water needs forecast alone does not result in allocation of water. There is an additional process to obtaining approval to withdraw water. He added that the policy provides good guidance and is not inflexible. He urged staff to give some deference to communities.

Cohen requested that the words “and conservation” be added to the second sentence under Part B, Purpose and Approach (page 2). Baskin read the amended sentence aloud: “They also are strongly advised to satisfy current and future water needs by investigating all feasible sources of supply and conservation, as outlined in ....” McCrory explained that the intent of that sentence was to call attention to alternative sources that are not usually considered sources of water supply, such as water reuse.

<b>V</b>	A motion was made by Haas with a second by Cohen to approve the Water Needs
<b>O</b>	Forecasting Policy and Methodology, as amended on December 13, 2007, on pages 2, 3, 9
<b>T</b>	and 11.
<b>E</b>	
	The vote to approve was seven in favor and one opposed.

Meeting adjourned

Attachments distributed:

- Current Water Conditions in Massachusetts, December 13, 2007