



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

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**Meeting Minutes for April 16, 2020**

Meeting conducted remotely via Zoom, 1:00 p.m.

*Minutes approved* \_\_\_\_\_

**Members in Attendance:**

Vandana Rao	Designee, Executive Office of Energy and Environmental Affairs (EEA)
Linda Balzotti	Designee, Department of Housing and Community Development (DHCD)
Anne Carroll	Designee, Department of Conservation and Recreation (DCR)
Kathleen Baskin	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
Marcela Molina	Public Member
Vincent Ragucci	Public Member
Kenneth Weismantel	Public Member
Samantha Woods	Public Member

**Members Absent**

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

Vanessa Curran	DCR, staff to WRC
Marilyn McCrory	DCR, staff to WRC
Erin Graham	DCR, staff to WRC
Sara Cohen	DCR, staff to WRC
John Scannell	DCR, Division of Water Supply Protection
Jennifer Sulla	EEA, Deputy General Counsel
Kurt Gaertner	EEA, Smart Growth/Smart Energy
Todd Richards	DFG, Division of Fisheries and Wildlife
Kate Bentsen	DFG, Division of Ecological Restoration
Jennifer Pederson	Massachusetts Water Works Association (MWWA)
Katie Ronan	Massachusetts Water Resources Authority (MWRA)
Peter Weiskel	US Geological Survey (USGS)
Rob Williamson	Wright-Pierce, representing Burlington and North Reading
Mark Clark	North Reading
Amy Coppers	Wright-Pierce, representing Burlington and North Reading
Karen Martin	Town of Andover
Lexi Dewy	Water Supply Citizens Advisory Committee (WSCAC)
Andreae Downs	Wastewater Advisory Committee
Lou Taverna	MWRA Advisory Board, Chair
Andrea Donlon	CT River Conservancy

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Rao called the *Zoom online* meeting to order at 10:05 a.m.

Rao began with an overview of the following logistics:

- Introductions will cover everyone on the Zoom meeting and include full names and affiliations for the record.
- The meeting is being recorded for the purpose of the minutes.
- People should use the Zoom Chat feature to communicate when they'd like to speak; to comply with open meeting laws, they should use the mode where everyone sees the message, rather than engaging in private chat messages.
- As in traditional meetings, WRC members will be given the first opportunity to ask questions and then the "floor" will be opened to public attendees.
- All votes will be roll call votes.
- Any Commissioners who leave the meeting early should alert Rao of their departure.

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

Rao provided a brief update on the status of EEA operations during the COVID-19 emergency. Most EEA staff are working from home. Those involved in critical operations and outdoor work are continuing to work onsite, where necessary.

Rao also explained that the WRC has representation on the Board of Certification of Operators of Drinking Water Facilities as one of 5 members, with MassDEP as chair. DCR's Bill Salomaa, who used to be WRC staff, has continued to represent the WRC on the Board and was recently voted Vice-Chair. The Board, which falls under the Division of Professional Licensure (DPL) and usually meets monthly, has been meeting closer to weekly during the pandemic and working on ways to ensure there are sufficient numbers of qualified water supply professionals available to the industry during the pandemic. The concern is exacerbated because fewer operators than usual renewed their licenses prior to the December 31 deadline. Actions the Board is taking include more frequently reviewing and processing of Drinking Water Board license applications and renewals, looking at provisions for issuing Temporary Emergency Certificates (TECs), recalling qualified retirees, exploring reciprocity certifications for applicants from other states, and providing guidance and training for how the supply community can operate and communicate effectively while social distancing. The Board held their first remote meeting on April 1<sup>st</sup>. The next meeting is sometime next week. Salomaa is keeping Rao informed.

Baskin added that in addition to chairing the Board Rao just reviewed, MassDEP has been extensively involved on issues of sufficient staffing on the wastewater side during the COVID-19 crisis. The concerns include a potentially diminished work force due directly to illness, or quarantine requirements due to exposure to others, or even possibly due to exposure from aerosols in wastewater. The strategy is to bolster the workforce in advance of a potentially diminished workforce. Baskin noted that Jen Pederson of the Massachusetts Water Works Association (MWWA) has been actively involved in these efforts, as well.

Baskin described additional MassDEP efforts related to the state's COVID-19 response, including working on procedures to ensure drinking water quality compliance given the limitations imposed on community sampling requirements by closures and quarantines. Additionally, there is a shortage of Personal Protective Equipment (PPE) on both the water supply and wastewater side of the industry, affecting operations and compliance. MassDEP is working very closely with EPA on how to implement enforcement discretion in light of these limitations. Additionally, MassDEP has been holding weekly calls with both the supply and wastewater sectors for the past

six weeks on these issues, posting Q&A's on its website, communicating needs of both sectors to the COVID-19 command center at MEMA, and developing guidance on alternative sampling locations when limited by closures and quarantines.

Todd Richards provided an update on the Department of Fish and Game's (DFG) response to the pandemic. He said the big challenge is making sure to find telework for everyone, so the agency can adapt and get the work done. The crew has done a good job dealing with issues and are currently working remotely or solo to get a lot of work done.

Hotze Wijnja provided an update for the Department of Agricultural Resources (DAR). Staff are working remotely to support DAR's crop and pest services, animal health services, marketing, technical assistance, and regulatory and other programs. MA is at the start of its growing season. Agriculture and food provision are considered essential activities by Executive Order, so DAR has compiled a list of resources to keep the agricultural community informed of policies and best practices during the pandemic. DAR is hosting a website with resources during the pandemic related to food safety, animal health, farmers markets, farm labor, financial resources, mental health resources, and other related topics. There has been an uptick in applications for disinfectant products, which fall under the pesticide product registration program, so DAR is working with EPA to identify flexibility to help with registration of these critical products.

Linda Balzotti provided an update for the Department of Housing and Community Development (DHCD). She requested that if anyone knows anyone having difficulty paying rent, they be directed to information on a residential assistance program on the DHCD website. The website also has guidance for public housing and private developers who operate public housing, including guidance on evictions and suspension of evictions, as well as on suspension of termination of housing vouchers that may be expiring. The primary work of the agency right now is emergency triage to keep people housed. DHCD also operates as a pass-through agency for federal funding for communities, individuals, and nonprofits for utility assistance. DHCD has received the awards from the federal government but has not yet received guidance on how to disseminate the funds.

John Scannell provided an update for the Department of Conservation and Recreation (DCR). Water Resources Commission (WRC) staff have been busy on a number of Interbasin Transfer (IBT) applications. The Lakes and Ponds staff are ramping up for treatment projects to get them approved and ready. Within DCR's Watershed Management Division, some staff are still considered "essential" and are continuing to work on site, such as patrolling rangers, samplers for water quality, and staff overseeing ongoing forestry projects. Others are working from home. The Governor wants people to have the ability to use state lands for fresh air and exercise. So, DCR is working closely with the Governor's office to allow people to do that while maintaining social distancing and keeping safe. To help ensure this balance, DCR has closed "attractive destination" parking lots, such as at ocean beaches, playgrounds, places that bring people together in larger numbers or close contact.

Katie Ronan provided an update for the Massachusetts Water Resources Authority (MWRA). Staff members who can are working remotely. Currently, this is about 300 people. MWRA is also adjusting staffing around maintenance operations, following social distancing guidelines. They have sufficient supplies of personal protective equipment (PPE) for now. They are working to

ensure staffing would be adequate in the event of reductions due to COVID-19. The MWRA has also been working with MassDEP on the issues that Kathy Baskin described.

Jen Pederson provided an update for the Massachusetts Water Works Association (MWWA). MWWA held a webinar with people working on operator licensing updates. The renewal process went online for the first time in 2019, which caused confusion for some operators. Some operators aren't renewing lower grade licenses, which may contribute to the observation that renewals were lower this year, but those lower grade licenses may not be needed. MWRA is coordinating with MassDEP on a weekly call with local water suppliers. Members are very concerned about future financial challenges due to the loss of use and people not being able to pay bills, and MWWA is trying to keep an eye on this issue.

Rao stated her appreciation for the role MWWA is playing in helping MassDEP and other agencies coordinate with water suppliers throughout this time.

**Agenda Item #2: Hydrologic Conditions Report - March 2020**

Graham provided an update on the hydrologic conditions for March 2020.

- Precipitation: March was dry. The 3-month SPI tripped into Index Severity Levels above 0 for 3 regions, largely driven by a very dry January. This means staff will keep a close eye on precipitation. So far, April precipitation and the 7-day forecast show more normal conditions.
- Streamflow: The low precipitation has been affecting streamflow, and two regions tripped triggers, showing Index Severity Levels of 2, and two individual gages were below the 10<sup>th</sup> percentile. However, streamflows in April have been showing recovery, and as of the date of this meeting, all gages were showing normal or above normal conditions.
- Groundwater: The low precipitation has a lag with groundwater, and no regions have tripped the Index triggers, but the Central, Northeast, and Southeast are all close to tripping, and staff are keeping an eye on the low wells.
- Lakes and Impoundments: All regions are at Index Severity Level 0.
- KBDI: KBDI values were not available at the time of the meeting.
- Crop moisture: Conditions are moist and wet.
- Snow: MA still shows a seasonal snowpack deficit, but the warmer temperatures through some of the wetter periods over the last six months mean we did get some recharge during the winter to help with spring flows.
- Temperature: March was warmer than average.
- Drought: Parts of the Southeast region were designated as D0 (Abnormally Dry) by the U.S. Drought Monitor for part of the month, but these designations have since been lifted. The seasonal outlook issued on March 19 valid through June, predicted drought development likely in the southeastern region, although that was issued prior to rain events late in March. Staff will be keeping an eye on this.

Discussion:

Rao commented that the low groundwater in parts of the state have certainly gotten our attention, as this Index tends to reflect conditions over a longer-term, and noted that staff will be keeping a particularly close eye on the three regions that were close to being triggered in March. Though we recently converted 35-40 wells to real-time through a USGS grant, many of the wells

in the groundwater network are not real-time and are only read at the end of each month. As a result, staff are not able to assess groundwater status throughout the month, but will certainly know more when the measurements come in at the end of April. If the Groundwater Index is tripping at that time, staff will consider whether to convene the Drought Task Force, as we move into the summer watering season.

Cambareri commented that many of the Cape’s groundwater wells are up at the 90<sup>th</sup> percentile. The normal fluctuation pattern for sand and gravel aquifers is to see recharge during this part of the year, with water levels continuing to increase until June. Therefore, the very high levels, currently almost at flood stage at many of the Cape’s kettle hole ponds, is concerning for people who live around them. In turn, as more water is let out of ponds than usual to address the high water, this can cause scouring and create issues for herring. Staff often have had an emphasis on drought, but high water issues can also cause stresses that may need response.

**Agenda Item #3: Vote on the Minutes of December 2019 and February 2020**

Rao proposed the following two corrections to the meeting minutes for December 2019 and then invited motions to approve the minutes, as amended:

- Page 1: the date of meeting should be changed from December 19 to December 12
- Page 3, 2<sup>nd</sup> paragraph under Agenda Item #5:
  - change “DOH” to “DHCD”
  - change “Crystal Kornegay” to “Janelle Chan”

V O T E	A motion was made by Weismantel with a second by Cambareri to approve the meeting minutes for December, 2019, with edit as provided by Vandana Rao. The vote to approve was unanimous of those present by rollcall vote.
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Rao invited motions to approve the meeting minutes for February 2020.

V O T E	A motion was made by Weismantel with a second by Wijnja to approve the meeting minutes for February, 2020. The vote to approve was unanimous of those present by rollcall vote.
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**Agenda Item #4: Vote on the Completeness of North Reading’s Application under the Interbasin Transfer Act (ITA) to Transfer Water from the Town of Andover**

Rao reminded those present that the North Reading case has been presented to the WRC at past meetings and that the request is for North Reading to obtain all its drinking water from the town of Andover. The MEPA process is now complete and staff have all the materials necessary to review the application. The presentation and vote today begins the regulatory clock for the ITA review and approval. Typically, staff would present the project and vote on the completeness of the application at different meetings. However, both will occur today as the project is time sensitive, due to PFAS contamination of North Reading’s existing sources. Also, because the WRC will be reviewing two to three applications simultaneously in the coming months, staff wants to make sure that WRC members and staff have enough time for due diligence and review of the applications. WRC members have also heard about this project several times already. Rao asked WRC members if they were okay with this approach and, hearing no objections, turned the presentation over to Anne Carroll.

Presentation slides are available at: <https://www.mass.gov/doc/april-16-2020-north-reading-presentation/download>

Carroll introduced Mark Clark from the Town of North Reading and Rob Williamson and Amy Coppers from Wright-Pierce as consultants on behalf of North Reading. She then presented an overview of the project, including the following key points:

- North Reading is in the Ipswich River Basin and has six groundwater wells and 1 tubular wellfield. Its current capacity is reduced to 60% of their permitted volume.
- The town is currently able to purchase 1.5 MGD from Andover: 0.5 MGD is grandfathered from prior to the ITA and 1 MGD was approved under the ITA in 1991.
- The current proposal is for approval to purchase an additional 1.5 MGD for a total of 3 MGD from Andover, to replace North Reading's existing sources, due to the reduced capacity and recent PFAS issues.
- Andover's sources are in the Merrimack River Basin.
- In 2016, North Reading filed a Draft Environmental Impact Report, laying out its proposal reflecting its original intention to join the MWRA. Since that time, North Reading has changed its proposal to purchase all its water from Andover. This is reflected in a Notice of Project Change and the Final Environmental Impact Report (FEIR).
- Due to the detection of PFAS in their sources in January 2020, North Reading is currently purchasing all its water from Andover, but has been able to stay below the 1.5 MGD prior approval volume, which is typical for their winter demand. The town is pursuing an Emergency Declaration from MassDEP to purchase up to 3 MGD from Andover beginning in mid-April, to cover the summer watering season demand in the interim period prior to obtaining an ITA approval.
- In a comment letter on the FEIR, WRC staff asked for some additional information on water rates related to Criterion #3 Water Conservation, which was provided to MEPA in a timely manner, and the MEPA certificate was issued on April 3, 2020.
- Staff now believe the application is complete and, pending the addressing of any questions or concerns raised at this meeting, are recommending that the WRC vote to accept the application as complete, so the official review process can begin.
- Staff anticipate that initial public hearings will be held virtually in late May and early June, with a staff recommendation to the WRC at the June meeting, followed by another public hearing, and then a WRC vote likely in July or August.

Discussion:

Rob Williamson clarified that MassDEP did not issue an Emergency Declaration, but rather gave North Reading the option for an Administrative Consent Order (ACO), which was signed by the town and sent to MassDEP yesterday, and which provides a little more flexibility than an Emergency Declaration.

Samantha Woods asked for clarification around the volumes currently in use by North Reading and the reason for increasing the purchase volume from Andover. Carroll explained that the increase in purchase from Andover would serve to replace the capacity of the town's own sources, which have been taken off-line. Mark Clark added that during recent winter months, the town's water demands have been under the existing interbasin transfer limit of 1.5 MGD, so

they have been able to meet their full demand through purchases from Andover. However, demand typically ramps up in May and is anticipated to exceed 1.5 MGD, which is why they have pursued the option of an ACO with MassDEP while waiting for ITA approval. Historically, peak days have averaged about 2.2 – 2.3 MGD in the summer. They do not anticipate needing 3 MGD in the short term, but at some point within 99 years, and have requested this volume under staff guidance to take the long view. Rao reminded everyone that the ITA approved volume is based on total capacity and maximum-day volumes rather than average-day transfer.

Ken Weismantel commented that perhaps the WRC can schedule a vote at an earlier date if no concerning issues emerge from staff review and public comment, as the transfer request stems from a health issue for the town. Rao responded that she will take that suggestion into consideration, but reminded everyone that the ITA allows emergency transfers for up to six months without an approval, and with the ACO in place, North Reading should be able to transfer the full amount needed at least through October, at which point their use will taper back. Since the community is not reliant on the WRC vote for their needs this summer, staff feel comfortable with the timeline. Weismantel responded that if we can move more quickly, it would still be beneficial to the town. Mark Clark stated that North Reading needs to build two booster chlorination facilities to take water from Andover and would like to have all approvals and permits in place before going out with a construction bid. Rao noted and appreciated Clark’s comment.

V O T E	<p>A motion was made by Weismantel, with a second by Molina, to accept as complete the town of North Reading’s application to increase the present rate of interbasin transfer of water from the town of Andover.</p> <p>The vote to accept the application as complete was unanimous of those present by roll call vote, with Ragucci abstaining. Baskin was no longer present at the meeting at the time of the vote and did not cast a vote.</p>
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Rao reminded participants that Vincent Ragucci would be abstaining from votes related to this project as he is a local resident and a water commissioner in North Reading.

**Agenda Item #5: Presentation on the Town of Burlington’s Request for an Interbasin Transfer of Water from the MWRA System and the WRC Staff Request for Additional Information**

Rao introduced the topic, stating that Burlington has been going through the MEPA process for this request to transfer water from the Massachusetts Water Resources Authority (MWRA). Comments on the Final Environmental Impact Report (FEIR) were due last week. WRC staff submitted a comment letter, which is the subject of today’s presentation.

*Presentation slides are available at: <https://www.mass.gov/doc/april-16-2020-burlington-presentation/download>*

Carroll reintroduced Amy Coppers and Rob Williamson from Wright-Pierce on behalf of Burlington. She reminded commissioners that staff made a presentation on this proposal to the WRC recently, after the Draft Environmental Impact Report (DEIR) was submitted. Burlington quickly turned around and submitted the Final Environmental Impact Report (FEIR). As a brief overview, Burlington, the receiving community, has land area in the Shawsheen, Ipswich, and Boston Harbor basins. Their sources include seven groundwater wells and one surface water

source, the Mill Pond Reservoir, which is fed primarily by a four-mile pipe from the Shawsheen River. MWRA is the Donor, with sources in the Chicopee and Nashua River basins. Three of Burlington's wells are currently off-line due to 1,4-dioxane contamination.

The project is proposed to be in two phases. The first phase of the project involves transfer capacity of up to 1 MGD, and the second phase involves transfer capacity of 6.5 MGD. This capacity accounts for the maximum daily transfer allowing for future growth and the Mill Pond Reservoir being off-line, which happens 2 to 3 times per year for cleaning. As a reminder, the ITA approval is based on the full capacity of the transfer. The proposed connection is through Lexington.

Carroll then reviewed a timeline of events associated with the project. 1,4-Dioxane was discovered in three wells in 2011, and those wells were taken off-line, which reduced the system capacity by almost 2 MGD. The town brought down system demand with a Drought Plan linked to elevations at the Mill Pond Reservoir, which included outdoor watering restrictions. Alternatives for meeting the town's full demand were evaluated in 2016. The recommendation that emerged from this analysis was to keep Mill Pond and join the MWRA. Comments on the FEIR were due to MEPA on April 10<sup>th</sup>. Staff expects a certificate this Friday. In the comment letter, staff requested a little additional information on water rates to help assess conformance with Criterion #3, Water Conservation.

Discussion:

Amy Coppers added that in previous years, Burlington has had to get an Emergency Declaration from MassDEP to receive water from Lexington, which purchases its supply from the MWRA, to meet demands. Mill Pond Reservoir receives most of its water from the Shawsheen River, and droughts in that system impact what the reservoir can produce. Katie Ronan confirmed Burlington's history of relying on MWRA water through Emergency Declarations, during a number of previous years.

Samantha Woods asked whether the ITA approval will reduce demand on Mill Pond? Coppers replied that the town intends to continue using Mill Pond, but the transfer will supplement supply during drought and allow for the reservoir to go off-line for maintenance, creating needed redundancy.

Lexi Dewy asked if there are any private wells in Burlington? Rob Williamson and Amy Coppers both replied that they believe there are almost no private wells in the town.

Rao explained that after the Secretary issues the MEPA Certificate, staff will bring the application back to the WRC for a vote to accept it as complete, as they just did with North Reading.

**Agenda Item #6: Request from the Town of Reading for a Change to Its Existing Water Conservation Conditions**

Rao provided background. The town of Reading came to WRC staff a couple months ago to request a change in the conditions on their ITA approval. Reading received approval in 2005 under the ITA to become partially supplied by the MWRA, between the months of May and October, with no more than 1 MGD to be used from their own sources during this period and strict water conservation conditions tied to local streamflow. Reading incorporated these

conditions into a local water conservation bylaw. Subsequently, Reading returned to the WRC requesting to become fully served by the MWRA, as a replacement for all their local sources and received this approval in 2007. This second approval contained the condition that Reading had to continue implementing water restrictions no less restrictive than their bylaw passed in 2005.

Reading is now back before the WRC to relook at outdoor watering restrictions. The town no longer uses local sources, but their bylaw still ties outdoor watering restrictions to local streamflow conditions. They would like to replace their local drought management plan with the MWRA drought management plan, and tie outdoor watering restrictions to drought in the MWRA system. Staff are currently reviewing the request and the conditions from the 2005 and 2007 decisions. The goal is to make sure any recommendation keeps intact the value of the conditions in place in those approvals. Commissioners can expect staff to return in the next few months with a recommendation on this request. It is not atypical for a community to come back to the WRC with a request for updates to ITA approval conditions when circumstances change, or for the WRC to revisit previous approval conditions on its own initiative.

Michelle Craddock requested a brief overview of the conditions Reading wants to remove. Rao explained the current restrictions are tied to streamflow in a complicated manner, including time-of-day and seasonal volume thresholds. Staff haven't had a chance to dig into the conditions and assess what the changes would entail. They will bring back the details on this as they get fully up to speed during the review.

Rao extended appreciation for everyone's tolerance of and willingness to engage in the new Zoom format for the meeting. She explained that she is unsure if next meeting will also be online and will keep everyone updated.

The meeting was adjourned at 11:29 a.m. with a motion by Weismantel, seconded by Ragucci, and agreed to by a unanimous rollcall vote of those present.

**Documents or Exhibits Used at Meeting:**

1. WRC Meeting Minutes:
  - a) December 12, 2019
  - b) February 13, 2020
2. Hydrologic Conditions Report from March 2020 (<https://www.mass.gov/doc/march-2020-hydrologic-conditions/download>)
3. Request from the Town of North Reading for Approval of an Action to Increase the Present Rate of Interbasin Transfer under the Interbasin Transfer Act, MGL Chapter 21 Section 8B-8D:
  - a) Presentation slides: <https://www.mass.gov/doc/april-16-2020-north-reading-presentation/download>
  - b) Final Environmental Impact Report, New Water and Wastewater Solutions, Town of North Reading; EEA Project No. 14975: Copies can be requested through the MEPA Office analyst, Erin Flaherty, [erin.flaherty@mass.gov](mailto:erin.flaherty@mass.gov)
  - c) Public Notice for the Environmental Monitor from the Water Resources Commission
  - d) Comment Letter dated March 27, 2020, from Water Resources Commission to MEPA Office
  - e) Response Letter from Town of North Reading to Water Resources Commission's Comment Letter

4. Request from the Town of Burlington for Approval of an Action to Increase the Present Rate of Interbasin Transfer under the Interbasin Transfer Act, MGL Chapter 21 Section 8B-8D:
  - a) Presentation slides: : <https://www.mass.gov/doc/april-16-2020-burlington-presentation/download>
  - b) Final Environmental Impact Report, Connection to MWRA Water System, Town of Burlington; EEA Project No. 15940: Copies can be requested through the MEPA Office analyst, Anne Canaday, [anne.canaday@mass.gov](mailto:anne.canaday@mass.gov)
  - c) Public Notice for the Environmental Monitor from the Water Resources Commission
  - d) Comment Letter from Water Resources Commission (to be provided under separate cover) 4.
5. Interbasin Transfer Act project status report, April 1, 2020

*Compiled by: SC*

*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, 8<sup>th</sup> floor, Boston, MA 02114.*