

# DRAFT STAFF RECOMMENDATION ON BURLINGTON'S ITA APPLICATION

## SUMMARY OF COMMENTS AND STAFF RESPONSE

MA Water Resources Commission

September 10, 2020

# COMMENTS RECEIVED

Town of Burlington

Mass Water Works  
Association  
(MWWA)

Massachusetts  
Water Resources  
Authority (MWRA)

Patricia OBrien,  
Burlington Citizen

Water Supply  
Citizens Advisory  
Committee  
(WSCAC)

Verbal Comments  
at August WRC  
Meeting

# GENERAL COMMENTS

- Conditions on water rates and billing go too far, appear to be micromanagement
- Concern about administrative burden on applicant
- Commend the staff on this document
- Concerns raised in the public hearings have largely been addressed
- Conditions on water rates should go further and incorporate additional guidance provided

# COMMENT TOPICS

Comments focused on Proposed Conditions 1-12 and covered the following topics:

Viable Sources

Water Rate Structure

Billing Frequency

Water Loss Control Program

Water Conservation Plan

Drought Management Plan and Nonessential Outdoor Watering

# VIABLE SOURCES COMMENTS

Burlington clarified that they would continue to use some of their wells in the near term

Burlington suggested edits to Condition 2 to clarify that should Mill Pond no longer be viable they will notify the WRC but will not need additional approval to purchase 6.5 MGD from MWRA

Patricia OBrien requested more transparency around parties responsible for contamination of Burlington's groundwater and an update on efforts to hold those parties responsible

WSCAC requested clarification on why 6.5 MGD is needed

# VIABLE SOURCES: STAFF RESPONSE



We will clarify language in Condition 2 to be clear that - no additional MEPA process will be needed; WRC will need to be notified and a request made by Burlington to change Condition 2 to acknowledge that local sources are no longer viable & that all water (6.5 MGD) will be purchased from MWRA.



The ITA regulates on capacity and must consider the maximum possible transfer in its evaluation. 6.5 MGD is a max day amount. Considering Burlington's much lower average day demands and water use trends, and the redundancy in their system with Mill Pond, it will likely be rare that this full amount is need.



Negotiations with responsible parties around contamination of Burlington's groundwater are currently ongoing and confidential. At an appropriate point in the future, the Town will share the outcome of that process with the public.

# WATER RATES AND BILLING COMMENTS

MWRA, MWWA and Commissioner Weismantel expressed concerns that Conditions 3 (water rates) and 4 (billing frequency) are too prescriptive and may set too high a bar

WSCAC and Patricia OBrien expressed strong support for Conditions 3 and 4 but urged the Commission to go further by providing more specific guidance around rates and by requiring the elements that were "strongly recommended" in the staff recommendation, including full cost pricing and an Enterprise Account

Burlington requested additional time to implement quarterly billing

# WATER RATES AND BILLING: STAFF RESPONSE



Our review always considers feasibility. We are sensitive to level of effort and financial burden in all review criteria.



The Interbasin Transfer Act and Regulations require rates to encourage water conservation. Burlington's rates were determined to not meet this requirement, based on a variety of metrics.



We have worked closely with Burlington to identify areas of flexibility to help bring them into compliance. This is our practice with every community.

# WATER RATES AND BILLING: STAFF RESPONSE



We have required the town to strengthen the conservation signal for outdoor-only meters (irrigation) and for the subsector of commercial users that currently have no conservation signal.



The conditions leave Burlington room to address them in a variety of ways. We worked closely with the town to confirm they are feasible and can be implemented without causing undue hardship to any subsector.



We set no conditions for their primary residential rates, despite their being among the lowest in the state, because they show efficiency in this sector through their RGPCD.



The conditions in the Staff Recommendation are not anticipated to constrain Burlington's future rate-setting, other than to ensure that any future rates also meet the performance standards under the ITA.

# WATER RATES AND BILLING: STAFF RESPONSE



We understand the initial administrative burden that could be associated with moving to quarterly billing and are open to allowing more time to meet this condition.



While we strongly agree with the merits of full cost pricing and Enterprise accounting, it would go beyond the current Performance Standards to require them.



While many of the specific rate guidelines suggested in comments are reasonable, we feel flexibility in rate setting is necessary.

# WATER LOSS CONTROL PROGRAM COMMENTS AND STAFF RESPONSE

Burlington noted that they are meeting the 10% UAW standard and requested that they not be required to develop a water loss control program unless they fail to meet that standard in the future



Condition 10 will be modified to reflect that elements of a water loss control program are already in place in Burlington, and staff agrees that Burlington has done a good job meeting the state standard of 10% UAW

# WATER CONSERVATION PLAN COMMENTS AND STAFF RESPONSE

Burlington noted that they are meeting the 65 RGPCD standard and requested that they not be required to update their water conservation program unless they fail to meet that standard in the future



Staff agrees that Burlington is doing a good job meeting the 65 standard and will clarify that Condition 11 can be satisfied with a checklist that reflects the current efforts and those agreed upon as part of the Decision.

# OUTDOOR WATERING AND DROUGHT PLAN COMMENTS AND RESPONSE

Burlington noted that they will update their drought plan to reflect new sources and incorporate state plan guidance, but they want their local drought triggers to remain as the primary trigger for action during drought



Burlington should incorporate MA Drought Plan guidance on nonessential outdoor watering as a secondary trigger for consideration during periods of significant drought

# NEXT STEPS



October WRC Meeting: Present revised Staff Recommendation for discussion



November WRC Meeting: Vote on final Staff Recommendation