



**WSCAC Meeting**

February 12, 2013

Location: Southborough Common Room-10:00 A.M.

Members **in Bold** in Attendance:

<b>Whitney Beals, WSCAC Chair, NE Forestry</b>	Alice Clemente, Blackstone River Watershed
Andrea Donlon, CRWC	Jeanne Richardson, Boston Water & Sewer
<b>Gerald Eves, Trout Unlimited</b>	<b>Paul Lauenstein, NepRWA</b>
Michael Baram, BU & CFL	<b>Nancy Bryant, SuAsCo</b>
Kimberly Noake MacPhee, FRCOG	<b>Martha Morgan, Nashua River Watershed</b>
<b>Dona Motts, MA League of Women Voters</b>	Mason Phelps, Millers River Watershed
Martin Pillsbury, MAPC	<b>Bill Fadden, OARS and SuAsCo Wild &amp; Scenic Rivers</b>

Non –Members in Attendance:

Lexi Dewey, staff	Julia Blatt, MA Rivers Alliance
Sue Costa, staff	Elissa Grad, MA Rivers Alliance
Steve Estes-Smargiassi, MWRA	Andreae Downs, WAC

**WSCAC Business**

Whit brought the meeting to order. The first business discussed was Bill Fadden's request to join the WSCAC committee. Martha Morgan made a motion for a vote on Bill's membership. Dona Motts seconded the motion and a vote was taken. Bill was unanimously approved and welcomed by all to the committee.

The committee considered two amendments to the By-Laws. The By-Law amendments had been voted on and approved at the November 27, 2012 WSCAC meeting but per the current By-Laws, a second vote was required at this meeting prior to enacting these amendments.

The first proposed By-Law change adds language that specifies that "a quorum of the committee is 6 members." Dona made a motion for a vote on this. Martha seconded it and the committee unanimously approved the motion.

A second amendment that changes the amendment process itself was then discussed. There was some initial confusion about the exact language as it had been revised at the November meeting prior to that first vote. The proposed language that was approved in the November meeting and was considered again at this meeting is as follows:

*Amendments to these By-Laws may be proposed via mail or email five weeks prior to a regularly scheduled monthly meeting and voted on at the meeting as long as a quorum is present and two-thirds (2/3) of those present approve the amendment.*

Paul made a motion to vote on this By-Law amendment. Jerry seconded the motion. It was voted and unanimously approved.

The next order of business was the approval of meeting summaries. The previously approved November meeting summary was revised to include the votes on the By-Law amendments. Whit moved the revised

November summary be approved, Paul seconded and the summary was voted and approved with Bill Fadden abstaining.

Paul and Bill had small corrections to the December meeting summary. The changes were noted, Paul made a motion to approve the summary, Whit seconded and the summary was approved with Martha abstaining. This concluded the formal business section of the meeting.

### **Sustainable Water Management Initiative (SWMI) Update with Julia Blatt**

The MA Rivers Alliance represents a host of environmental/watershed groups working to protect rivers across the state. They do policy work, offer a variety of workshops and bring the environmental community together to address local, regional and statewide water quantity and quality issues.

Julia quickly reviewed her basic SWMI presentation that many WSCAC members had already seen last fall. Twenty-one percent of Massachusetts Rivers and streams are severely flow depleted in August. Most are in the Rt. 495 corridor where communities are using local sources. The western part of the state is faring a little better but future growth could change that. Julia noted that one challenge is to educate people in Western Massachusetts communities to focus on the potential problem of streamflow depletion before there is a crisis.

SWMI classifies streams into 5 different categories with Category 5 being the worst with 55% or more alteration of August streamflow. Much of the problem is lawn watering in the summer. Unlike the Western part of the United States, people in the Northeast view water as an unlimited resource.

Julia provided some background on SWMI. The Water Management Act (WMA) was passed in 1986 and affects those communities withdrawing more than 100,000 gallons per day. Communities already taking water in 1986 were grandfathered in with water registrations by MassDEP. These registrations are reviewed every 10 years. Thus, communities using registered water only (no WMA permit) like the MWRA are not impacted by changes in WMA permitting.

Julia emphasized that SWMI is an administrative not a legislative initiative. It came about as a response to litigation on Safe Yield. MassDEP was hoping to decrease the number of lawsuits on the amount of water allocated to communities through water forecasting and WMA permitting. They came up with new method of determining Safe Yield for each of the 27 basins in the Commonwealth.

Many in the environmental community do not feel the final SWMI framework is useful. The state missed an opportunity to make a constructive tool that is easy to administer and will address the problems with streamflow. The criteria are complicated and difficult for communities to manage. This was illustrated by the results of the Pilot program involving four communities to test the SWMI framework. The towns found the concepts confusing and questioned the methodology of the science provided by USGS and Fish and Wildlife that is the backbone of the framework. MA Rivers Alliance, public water suppliers, EOEEA staff and MassDEP continue to work on details in the framework and are moving toward draft regulations.

If a community's water sources are currently rated as a Category 4 or 5, they will be asked by MassDEP to minimize withdrawal impacts. If they are asking for additional water over the amount specified in their WMA permit (beyond "the baseline") they will need to do both minimization and some form of mitigation beyond addressing steps 1-8 found in the WMA permit. A request for additional water that will cause a stream in the basin to drop down a category will require additional mitigation and looking for other potential water sources that cause less environmental damage. The interpretation of these guidelines will be a challenge and the execution will be complex.

All WMA permits will be subject to the new conditions including water conservation requirements when brought up for review by MassDEP. Paul Lauenstein brought up water pricing strategies and Julia noted there was very little discussion of water pricing in the SWMI framework.

The environmental community takes issue with the lack of attention to Safe Yield which are at unsustainable levels for wildlife and with the definition of mitigation. They feel that some of the things the state will consider as mitigation are not mitigation at all.

However, for the first time, SWMI connects water allocation to streamflow levels. That's new for Massachusetts. Julia feels it will help some severely depleted streams. Demand management may look more appealing than it used to. SWMI also gives the Division of Fish and Wildlife a role in the process. It doesn't do anything for water quality or address registrations or private wells. Finally, it isn't clear that DEP would ever say no to higher WMA permits based on SWMI.

Julia noted that it has been interesting to figure out how to influence decision making and impact the SWMI regulations. She spoke briefly about the four SWMI pilot communities. What has become apparent is that the details of the SWMI framework are confusing. It is broad and general whereas implementation will be narrow and specific. One of the most confusing is what constitutes mitigation versus minimization.

The ease of rebuttal public water suppliers is a big concern for environmentalists. They feel the bar is low and rebuttal is a no-risk option for the towns. Martha Morgan asked about the bottleneck in the state and Julia agreed it will be a huge challenge for agency staff and communities.

On a more positive note, many towns aren't requesting more water and thus will not need to do any mitigation or minimization. Because of its complexity, SWMI may encourage towns to use only the water they really need and not ask for more.

Dona Motts asked if any towns have asked for more water. Julia noted that since DEP is not issuing permits right now we don't know. A standard guide for towns would be helpful but there isn't one right now. What is feasible is also unclear.

Dona asked for a definition of well-optimization. Steve Estes-Smargiassi explained it is the idea of withdrawing water from wells further away from the stream/river on a seasonal basis--towns move their well withdrawal points around to minimize seasonal impact.

Julia noted that basins that cross town boundaries are another problem. You can end up with unintended consequences such as a race to the bottom. MassDEP has worked hard on the SWMI framework and its many complications.

Paul noted that the Safe Yields in SWMI are all higher than current use and thus, Safe Yield isn't going to force reduced water use.

Whit Beals stated that SWMI is very complex and asked Julia what comes next. Julia said DEP is drafting regulations. MA Rivers Alliance and other environmental organizations are meeting with DEP Commissioner Kimmel. They feel there are still pieces of SWMI that are in play and hope to be able to impact those things. Julia feels SWMI will be a little bit better for streams and a lot more cumbersome for both the towns and DEP.

She went on to say that if SWMI is implemented correctly it will help streams but there needs to be a cultural change. If people continue to think that they have a right to use as much water as they want anytime they want, it will always be an uphill battle. SWMI is a good first step but it is not going to solve the problems without a cultural shift.

Paul asked about existing baselines and permits. Julia was pretty sure the baselines are on-line. As far as permits and when they expire, she wasn't certain.

Whit thanked Julia both for her in-depth knowledge and all her work to keep on top of SWMI.

Martin Pillsbury was unable to attend the meeting. His presentation was postponed to a later meeting.

### **MWRA Briefs and 2012 Water Trends with Steve Estes-Smargiassi**

Steve noted that when you look at the data it doesn't always look like what you remember. He had thought 2012 was a dry year but in reviewing the monthly data he noted that during the summer, it was actually an average year.

Steve had slides showing MWRA water sold in recent years and noted variations in how dry or wet the years were. He further noted that Boston is using less water in 2012 than it used in 1900 even though there are more people living and working in the city. Increased efficiency and leak repair are two factors in this statistic.

Water use trends show a steady decline. Steve attributes this to increased efficiency in homes and businesses. Peak days (seasonal demand) are also trending downward. The MWRA can reliably withdraw 300 mgd during a drought. Currently peak day withdrawals are far less than that 300 mgd figure.

Steve went into some detail on lawn watering and how both the amount *and frequency* of rainfall impacts outdoor watering. Location dictates the percentage of seasonal use. Northeast seasonal use is small compared to areas in the Southwest.

During 2012, the average reservoir withdrawal was 200 mgd which coincidentally is also the 5-year average.

Steve noted that in 2012, the MWRA spilled an average of 26 mgd over the dam for most of the year. Although the reservoir is currently down to 87%, it is still within normal operating range of 80% or greater for this time of year. There was discussion of elevations and the rationale for spills. There have been years when the amount of water sold is less than the amount spilled.

Bill Fadden asked about the water lost in 2010 due to the water main break. Steve said it was relatively small (.25 mgd) when averaged over the entire year.

As an interesting aside, Steve mentioned that Christmas Day is usually the lowest demand day of the year. The highest demand day is frequently in June but in 2012 the peak day was in July.

In 2012, Wachusett spilled 6 billion gallons for an average of 16.5 mgd over the year. In summer months, water is often transferred from Quabbin to Wachusett to improve water quality. Last year a significant amount of run-off in the previous year degraded water quality in the Wachusett. This water was released to the Nashua and additional transfers from Quabbin occurred.

If a prior year was wet, then in the spring or early summer *if* the Wachusett reservoir is somewhat full, the MWRA will release to the Nashua and then depending on the water quality transfer more water from Quabbin. The MWRA balances the reservoir levels and considers water quality in what can be a complicated process.

The MWRA reservoirs have minimum downstream release requirements to the Swift and Nashua Rivers. They are also managed for water quantity and quality. As demand continues to decrease, the way these systems are managed is also changing.

Finally, Steve spoke about an article in the Boston Globe calling for the increased use of tap water. The Boston public schools use bottled water because the drinking fountains were found to have elevated lead levels. Now with improved corrosion controls and new fountains, there is a push to put tap water back in the schools. The water will be tested to ensure lead levels aren't elevated but some school officials are concerned about vandalism of the fountains and are not enthusiastic about the project.

Bottled water, Hurricane Sandy, and the refilling of disposable bottles were discussed briefly. Nancy Bryant asked if there was any legislation to replace older toilets/water fountains when buildings are renovated. Steve is not aware of any. The complicated issue of bottled water used in the State House was discussed.

### **More WSCAC Business**

Lexi announced that the next WSCAC meeting will be a joint meeting with the MWRA Advisory Board on Thursday, March 21 at the Wellesley Library. Kathy Soni, MWRA Budget Director, will discuss the MWRA budget.

She also noted that the second meeting on DCR's response to the STAC report is tonight at the Barre Town Hall. Whit brought up the fact that the STAC report did not address FSC certification for DSWP lands. WSCAC is in favor of FSC certification. Steve was asked about the fact that the MWRA did not comment on STAC report. He had no comment beyond the fact that they did not comment.

A presentation on deer at Quabbin Park and terrestrial invasives management in the watersheds will be part of the April 9<sup>th</sup> WSCAC meeting in Southborough.

The meeting was adjourned.