



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

**Request for Determination of Insignificance
Under the Interbasin Transfer Act
MGL Chapter 21 Sections 8B - 8D**

**The Town of Westport's Request to Obtain Water and
Wastewater Services from the City of Fall River**

**WRC Decision
April 11, 2024**

Decision

On April 11, 2024, the Massachusetts Water Resources Commission (WRC), in a vote unanimous of those present, found that the Town of Westport's request to obtain water and wastewater services from the City of Fall River was insignificant under the Interbasin Transfer Act (ITA). The volume of the approved interbasin transfer is 385,160 gallons per day (gpd).

Background

On January 19, 2024, the Massachusetts Water Resources Commission (WRC) received a request for determination of insignificance (RDI) under the Interbasin Transfer Act (ITA; M.G.L. Chapter 21 §§ 8B-8D) from the Town of Westport, Massachusetts (the Town). The WRC discussed this project at its March 14, 2024 meeting.

The Town has land area in the Buzzards Bay Basin and the Narragansett Bay and Mount Hope Bay Shore Basin (hereinafter referred to as the Narragansett Bay Basin). The Town does not have its own municipal water supply or wastewater collection system. There are several areas in northern Westport that are densely developed with many residential units and septic systems or cesspools confined to a small area. The proximity of private wells to cesspools and septic systems within Westport has resulted in private wells experiencing contamination from bacteria (*E. coli*), nitrates/nitrites, or both.

A water supply connection was established between the City of Fall River and the Town in 1985. The Fall River water supply system has its sources in the Buzzards Bay and Narragansett Bay Basins (Copicut Reservoir and North Watuppa Reservoir, respectively). Sufficient documentation could not be located to confirm that planning and authorization of this connection occurred prior to the ITA's effective date of March 8, 1984. *This RDI accounts for and includes the existing interbasin transfer of water supply for which the*

Town had not previously requested WRC approval. A wastewater connection with a capacity of 360,000 gpd was also established between the Town and Fall River in 1983. At the time the wastewater connection was established, the connection transferred water from Narragansett Bay Basin to Massachusetts Coastal Basin. This wastewater transfer had sufficient documentation of approval prior to the ITA's effective date and is not jurisdictional.

The Town is now proposing to purchase additional water from the Fall River water supply system. The Town also plans to discharge most of the transferred water as wastewater to the Fall River Regional Wastewater Treatment Facility (WWTF), which discharges to the Massachusetts Coastal Basin. Some parcels with water connections will not receive wastewater connections and will remain on septic systems. Figure 1 shows the donor basin reservoirs and receiving areas for current and planned water and wastewater services. These services are planned along Route 6 in Westport and adjacent areas with the purpose of improving water quality in downstream impaired waters from septic systems, addressing private drinking water well contamination, promoting economic development, and accommodating potential future development. Potential future extensions of services resulting in flows greater than those requested in this RDI will require an application for approval of an action to increase the present rate of interbasin transfer, separate from this RDI.

This application was evaluated against the applicable criteria of 313 CMR 4.08(3), Criteria for Determining Insignificance of the ITA regulations. Massachusetts Environmental Policy Act review was not required. This RDI was reviewed as a water supply transfer. The donor basins (where water supply is being transferred from) are the Buzzards Bay and Narragansett Bay Basins within Fall River. No water supply is being developed within the Town of Westport. It is the water supply connection between Fall River and Westport that is facilitating the interbasin transfer. Discharge of wastewater is to the Massachusetts Coastal Basin and the Buzzards Bay Basin.

Proposed Transfer

The Fall River reservoir system is comprised of two surface water reservoirs located in the Narragansett Bay and Buzzards Bay basins, with drainage areas totaling 18.64 square miles. The Fall River reservoir system firm yield is 18.2 million gallons per day (MGD), and in recent years (2009-2022) its daily raw water pumping has averaged 11.04 MGD as reported by the Massachusetts Department of Environmental Protection (MassDEP). For the purposes of the ITA request, the proportion of water from each of the donor basins was determined as the proportion of firm yield for each basin: 60% from the Narragansett Bay Basin (10.9 MGD) and 40% from the Buzzards Bay Basin (7.3 MGD).

The Town proposes to enter into a contract to purchase a maximum amount of 772,600 gpd from Fall River, approximately half of which is jurisdictional under the ITA (385,160 gpd). The transfer will be a full-time, year-round operation. Intermunicipal agreements will set limits on the amounts of water and wastewater that can be transferred across the municipal boundary and consequently between the basins. These intermunicipal agreements will ensure the requested increase in the present rate of interbasin transfer

is not exceeded. Water main bleeding which is necessary to maintain acceptable water age and quality will cause an interbasin transfer of water from Narragansett Bay Basin that will be discharged to groundwater in Buzzards Bay Basin. These flows are accounted for in the net flows summarized below and in Table 1.

- The portion of the water to be derived from Narragansett Bay Basin in Fall River and discharged in Buzzards Bay Basin in Westport via septic systems and bleeding (228,360 gpd) is subject to the ITA.
- The portion of the water to be derived from the Narragansett Bay Basin in Fall River and discharged to the Massachusetts Coastal Basin via the WWTF (235,200 gpd) is exempt from ITA requirements because of documented wastewater capacity established prior to the ITA's implementation, as previously described.
- The portion of the water to be derived from Buzzards Bay Basin in Fall River and discharged to the Massachusetts Coastal Basin via the WWTF (156,800 gpd) is subject to the ITA.
- The portion of the water to be derived from and discharged in Buzzards Bay Basin via septic systems and bleeding (152,240 gpd) is exempt from ITA requirements because it is not crossing a basin boundary.

The net amount of interbasin transfer subject to the ITA is 385,160 gpd. Table 1 shows a summary of these flows by basin. As described previously, the existing, unpermitted transfer of water from Fall River's system to the Town is accounted for in the requested 385,160 gpd.

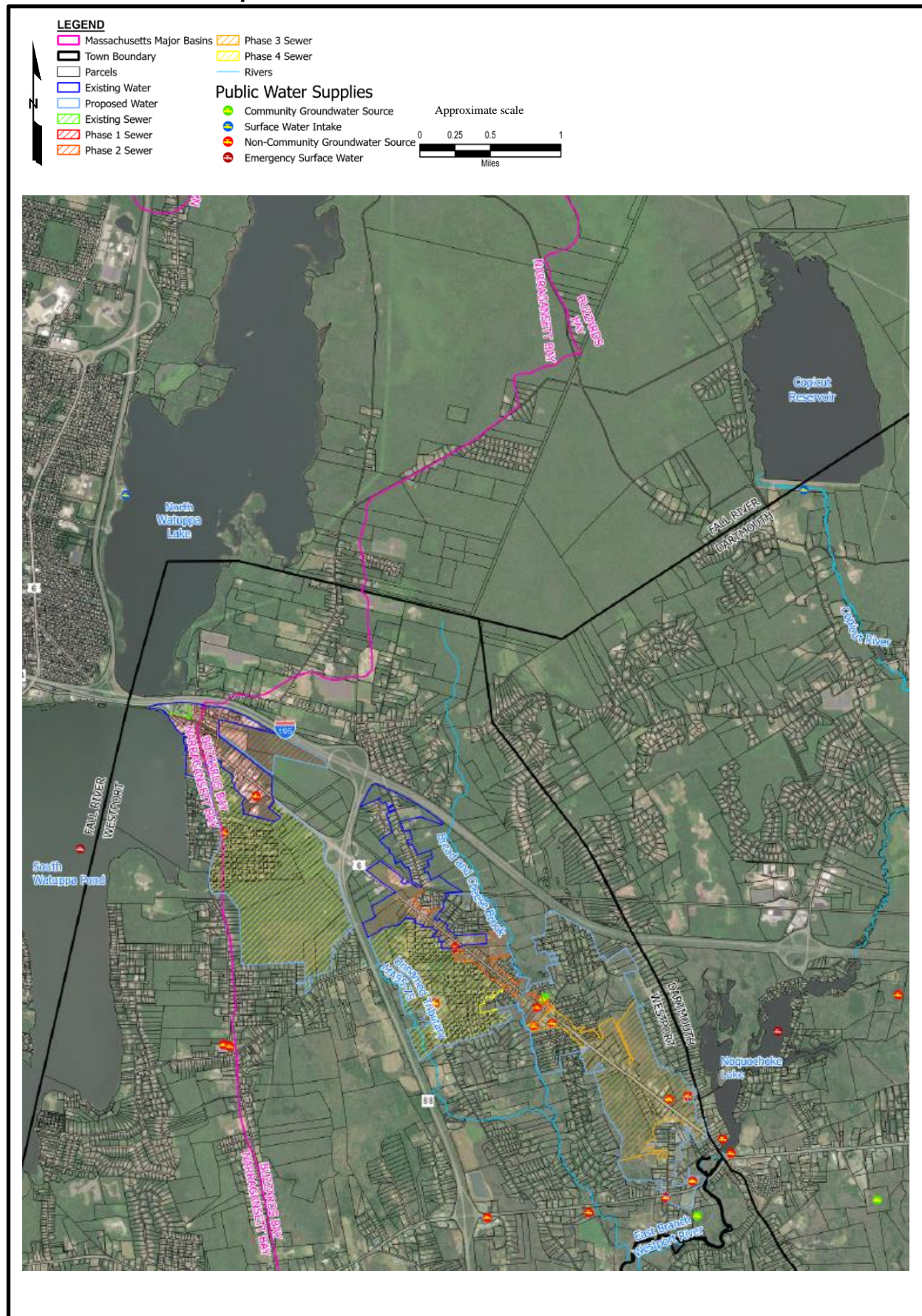
Table 1: Breakdown of the Transfers by Basin (in gpd)

Basin from/to	Amount (gallons per day)	Explanation of Transfer
Narragansett Bay → Buzzards Bay	228,360	Increase of an existing transfer
Narragansett Bay → Massachusetts Coastal Basin	235,200 (EXEMPT)	Exempt due to pre-existing capacity
Buzzards Bay → Buzzards Bay	152,240 (EXEMPT)	Exempt - not crossing a basin boundary
Buzzards Bay → Massachusetts Coastal Basin	156,800	Increase of an existing transfer
Total	772,600 -235,200 (EXEMPT) -152,240 (EXEMPT) 385,160 (NET)	

Analysis

To assist the WRC in making its decision, staff worked closely with the proponent on the requirements of the ITA for this proposal and consulted with other agency staff.

Figure 1: Fall River's Water Supply Sources and Westport's Existing and Proposed Water and Wastewater Service Areas



The Town's RDI was reviewed by staff from the Department of Conservation and Recreation (DCR), MassDEP, the Division of Fisheries and Wildlife, and the Natural Heritage and Endangered Species Program against the criteria for insignificance listed in the ITA regulations, 313 CMR 4.08(3). For an explanation of the criteria and a description of how they have been met, please see Attachment 1.

The following special resource values exist in the vicinity of the Fall River reservoir system as mapped by the applicant: Article 97 lands, NHESP Natural Communities, NHESP Estimated Habitat of Rare Wildlife, NHESP Priority Habitats of Rare Species, NHESP Certified Vernal Pools, and DFW Coldwater Fisheries Resources. The project will have no adverse impact on the Taunton River which is the only designated scenic river in the vicinity. Areas of Critical Environmental Concern are not present in the area. Although multiple types of important and sensitive habitat and wildlife are present, the relatively small volume of the transfer is not anticipated to adversely affect these special resource values.

Following the ITA's requirements under insignificance with respect to transfers primarily derived from lakes, ponds, and reservoirs, the thresholds for average annual rainfall values for the Narragansett Bay and Buzzards Bay Basins, as well as the thresholds for drought year inflow are compared to the interbasin transfer request below in Table 2.

Table 2: Summary of Town of Westport's Interbasin Transfer Request

Basin	Threshold: 1% of Average Annual Precipitation	Threshold: 5% of Drought Year Inflow	Interbasin Transfer Request	Interbasin Transfer Request Below Lowest Threshold?
Narragansett Bay	255,034	228,492	228,360	Yes
Buzzards Bay	156,910	168,980	156,800	Yes

As noted, the proposed interbasin transfer is less than the amount deemed insignificant in accordance with the ITA regulations, and is therefore not expected to cause any negative impacts on instream flow or special resources in the vicinity of or downstream of Fall River's surface water reservoir system. The proposed interbasin transfer is approximately 2% of Fall River's firm yield and 3.5% of its current use. It is expected that any changes in reservoir spill timing and magnitude caused by this transfer will be imperceptible.

WRC Decision

After reviewing the proposal and the comments received, **the WRC finds that this project requesting an interbasin transfer of water in the amount of 385,160 gpd is insignificant under the ITA.**

Attachment 1
Request for Determination of Insignificance
Westport's Request to Purchase Water from the City of Fall River

<u>Criterion</u>	<u>Proposal Meets?</u>	<u>Explanation</u>
(a) Is less than 1 MGD	Meets	Net interbasin transfer will be 385,160 gpd.
(b) Is temporary, of short duration and for a purpose other than water supply use	Not Applicable	Proposal is long-term for purchase of water supply.
(c) Cumulative, approved transfers, including the proposed amount, are less than 5% of the unimpacted 95% Exceedance Flow	Not Applicable	The transfer is primarily derived from reservoirs.
(d) Cumulative, approved annual amount of the transfers, including the proposed amount, are less than 1% of the average annual precipitation on the drainage area of the water body, and less than 5% of the drought year inflow ¹ to the water body	Meets	There are no prior approved transfers from either basin. Amounts requested from each donor basin are less than thresholds.
(e) The 7Q10 flow, when relied upon in a program of pollution abatement, will not be significantly diminished or prolonged	Meets	Changes to downstream flow are expected to be imperceptible from the current operating condition as a result of the transfer.
(f) Special resource values will not be adversely affected	Meets	Changes to reservoir levels and streamflow in the donor basins are expected to be imperceptible from the current conditions as a result of the transfer.
(g) Measures to protect instream flows have been taken where appropriate and achievable, and any such measures are proposed as part of the applications	Meets	Changes to downstream flow are expected to be imperceptible from the current operating condition as a result of the transfer.
(h) The Commission shall consider the cumulative impacts of all past, authorized or proposed transfers on streamflows in the donor basin	Meets	Freetown, MA and Tiverton, RI receive water from Fall River's reservoir system (via transfers that pre-date the ITA). However, given the amount of storage in Fall River's reservoir system, it is not expected that this transfer would have a perceptible impact on the donor basins.

¹ Drought year inflow is the drought basin yield: the annualized Q90 streamflows in a water source based on averaging estimated near natural monthly Q90 streamflows. It is an estimation of the water that would be available in a river basin that is unimpacted by water withdrawals during the probable driest period that is likely to occur.