

Interbasin Transfer Act 101



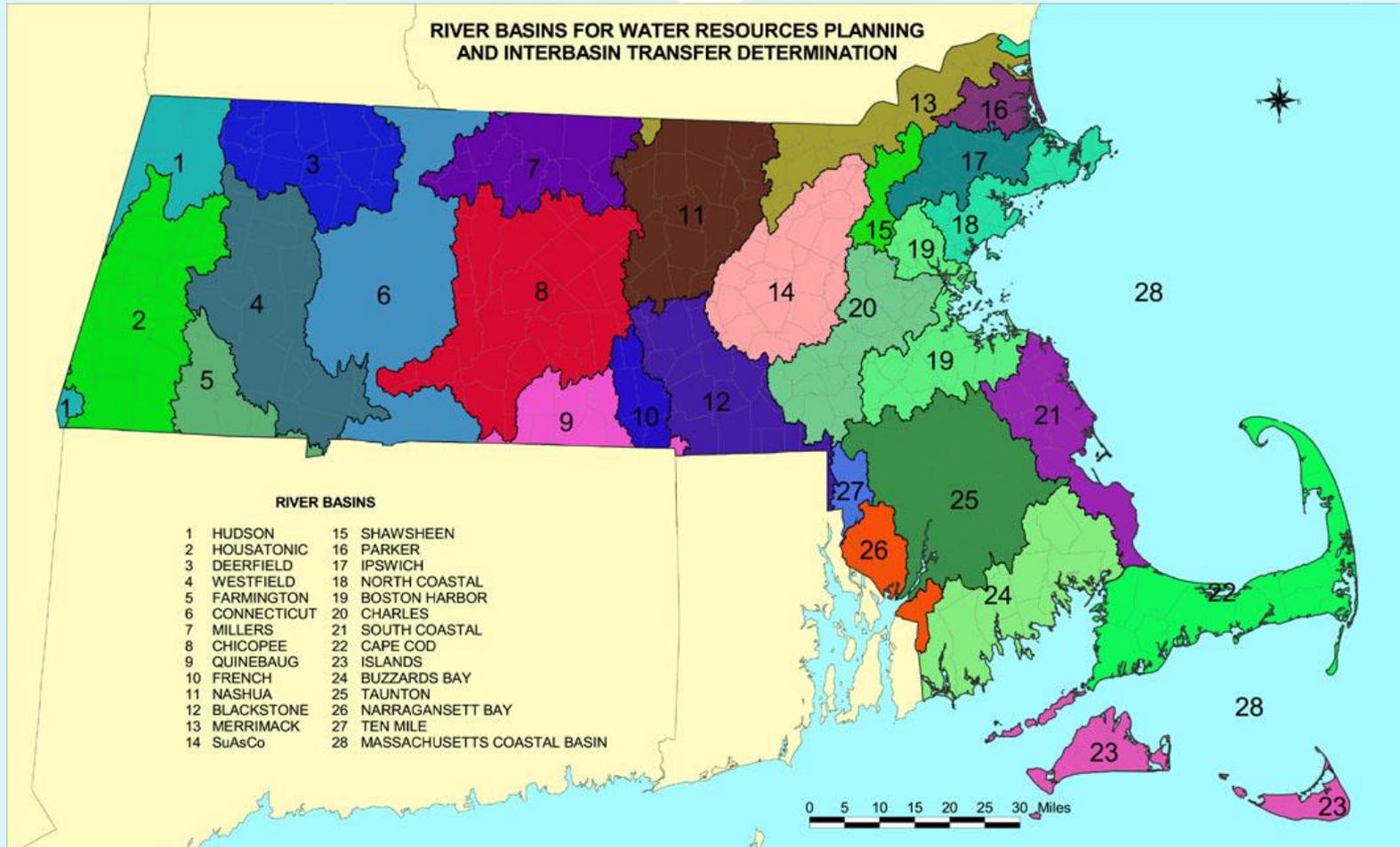
**EVERYTHING YOU ALWAYS WANTED TO
KNOW!**

Background



- The Interbasin Transfer Act became effective in March 1984
- It applies to *ALL* transfers of water and wastewater (not just municipal transfers)
- It is administered by the Massachusetts Water Resources Commission
- The Department of Conservation and Recreation (DCR) Office of Water Resources, staff to the Commission, provides the technical and administrative work on the Act for the Commission

The 28 River Basins of the Commonwealth of Massachusetts



Pop Quiz!



Are transfers prohibited under the ITA?

- *No!* The ITA does *NOT* prohibit interbasin transfers, *but*:
- It does require that rigorous environmental and water supply management standards are met *BEFORE* allowing a transfer

What is the threshold amount for review?

- There is *NO* threshold amount for regulatory review. All transfers require review and approval.

When do ITA permits expire?

- The Act is *NOT* a permitting program, it is a one-time approval process. The WRC's decision is not a permit, it is an approval. There is *NO* expiration date.

How is the Act triggered?

- Any increase in the capacity of a transfer system, or in the “ability to transfer” could trigger the Act, *but*
- A transfer must cross *BOTH* a town line and a basin line to be subject to the Act

What triggers the Act?



- **Increases in capacity, such as:**
 - A new water supply source which will be transferred out of basin as either water supply or wastewater
 - Enlargement of an existing transfer system through the addition of larger pumps or pipes
 - Changes in the operating rules of a transfer system that cause more water to be transferred (e.g. addition of a new community to a regional water supply system which has sources in a different basin)

Types of Transfers



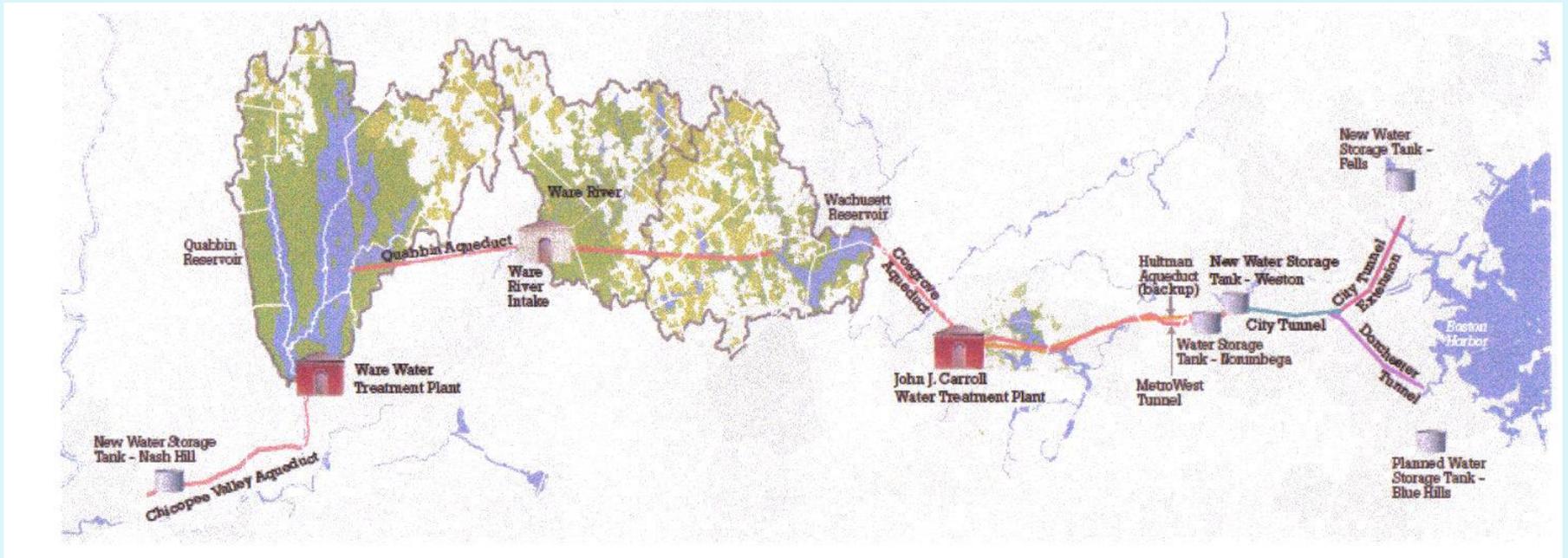
- 1. WATER SUPPLY**
- 2. WASTEWATER**
- 3. WASTEWATER TRIGGERED BY THE DEVELOPMENT OF A WATER SUPPLY SOURCE**

Water Supply Transfer



- Use of a water supply source located in a separate river basin *and* community from the proposed user
- Water transferred from this source will not be returned to its basin of origin for discharge
- Example: MWRA Water Supply system

MWRA Water Supply

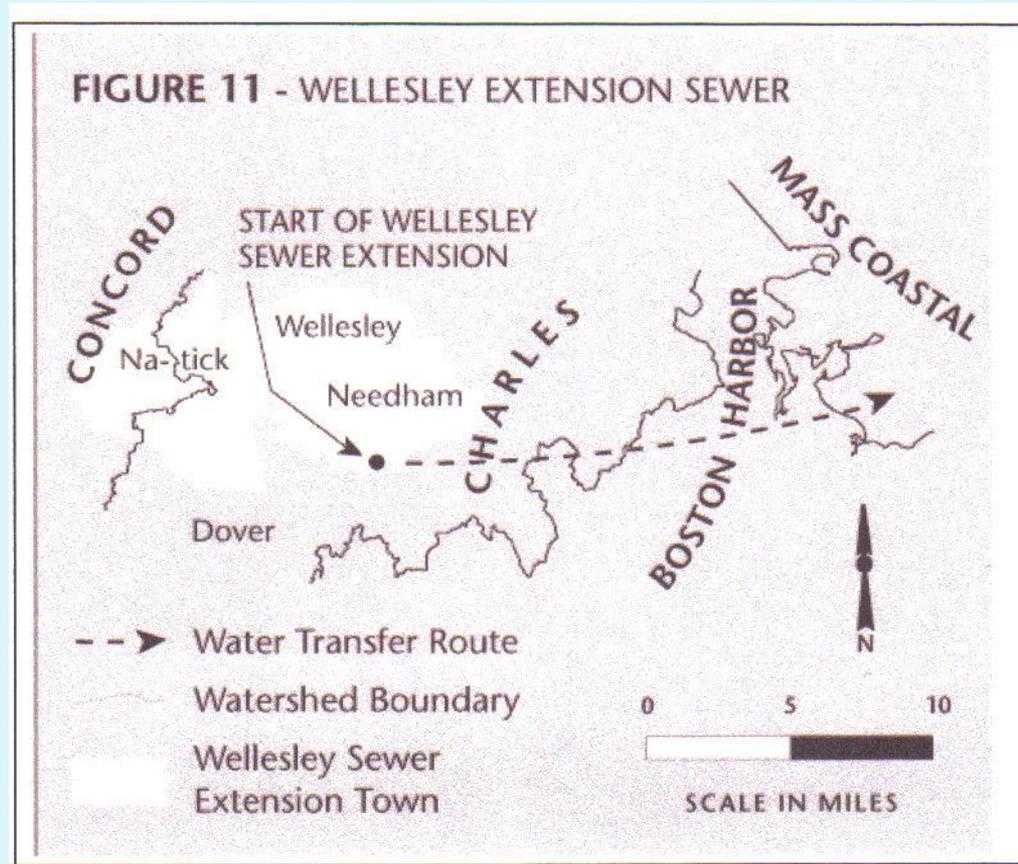


Wastewater Transfer

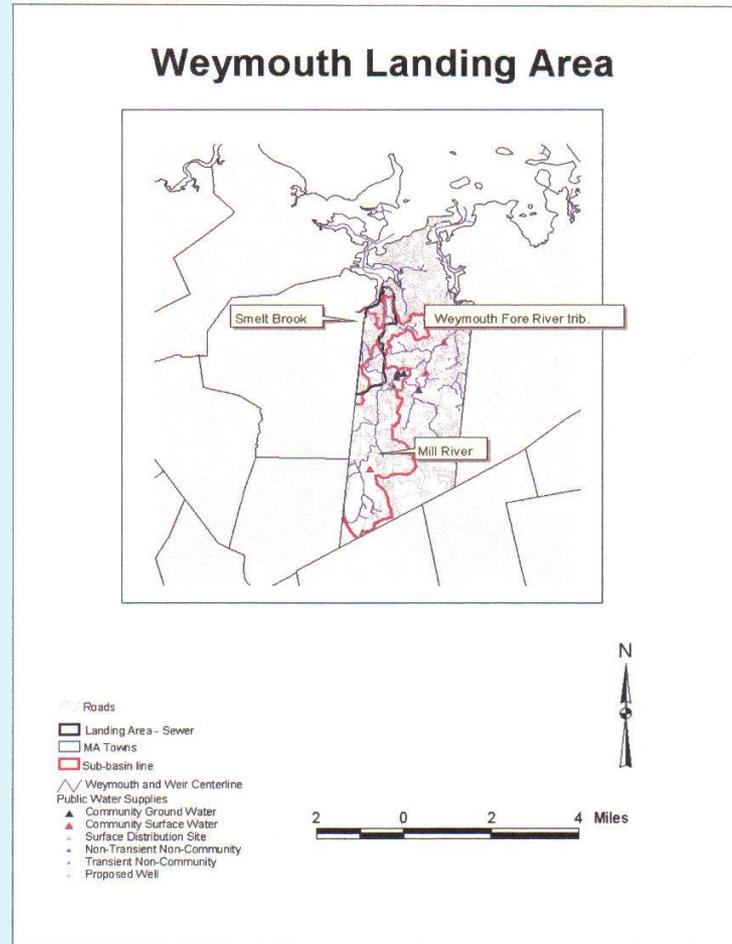


- Use of a wastewater system which collects wastewater originating in a basin *and* community different from the basin and community of the point of discharge. For example:
 - Enlargement of an existing wastewater system to accommodate more flow
 - Enlargement of interceptors connecting a community to a regional (out of basin) wastewater system

Wastewater Example 1



Wastewater Example 2

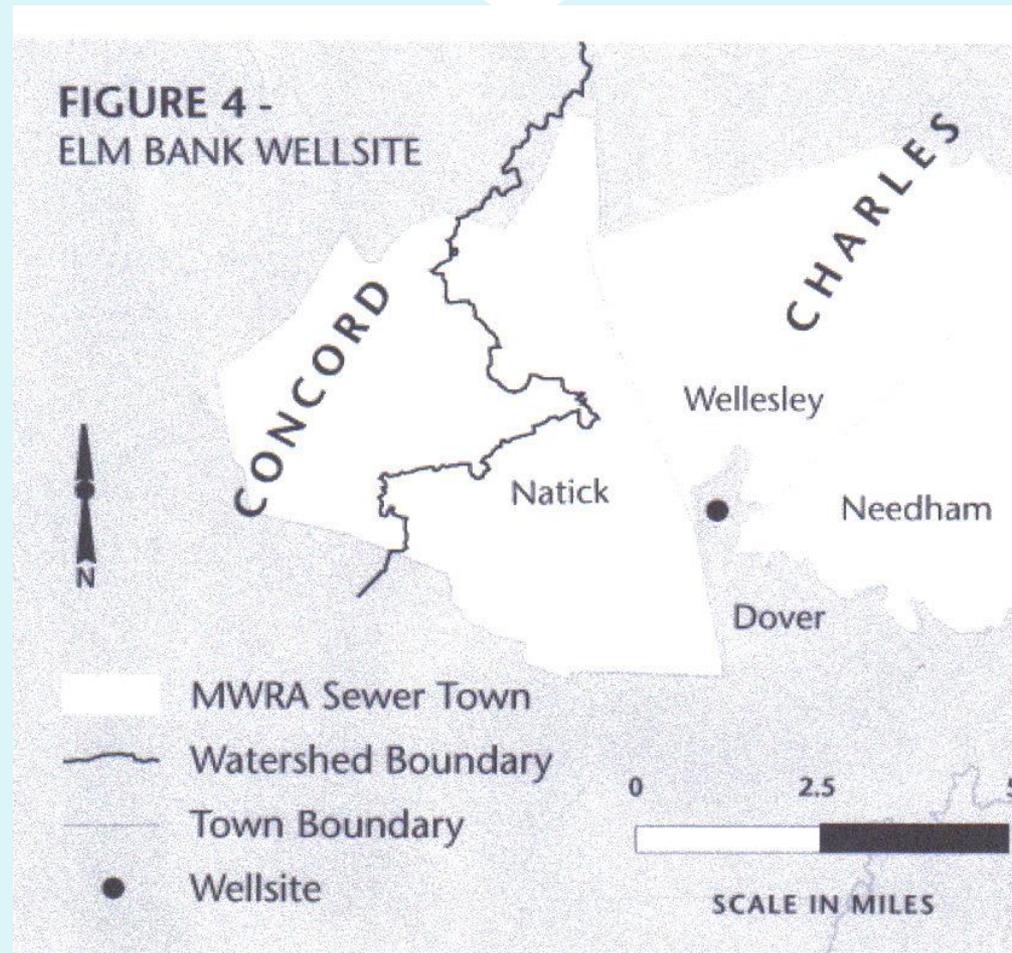


Wastewater Transfer Triggered by The Development of a Water Supply Source



- A new water source is developed in a community which has a wastewater system with a discharge point in a different basin and community.
- Water from this source will not be returned to its basin of origin.
- Even though the wastewater capacity is not changing, increasing the in-basin water supply capacity increases the “ability” to transfer water from the donor basin and presents issues that need to be reviewed before allowing the transfer.

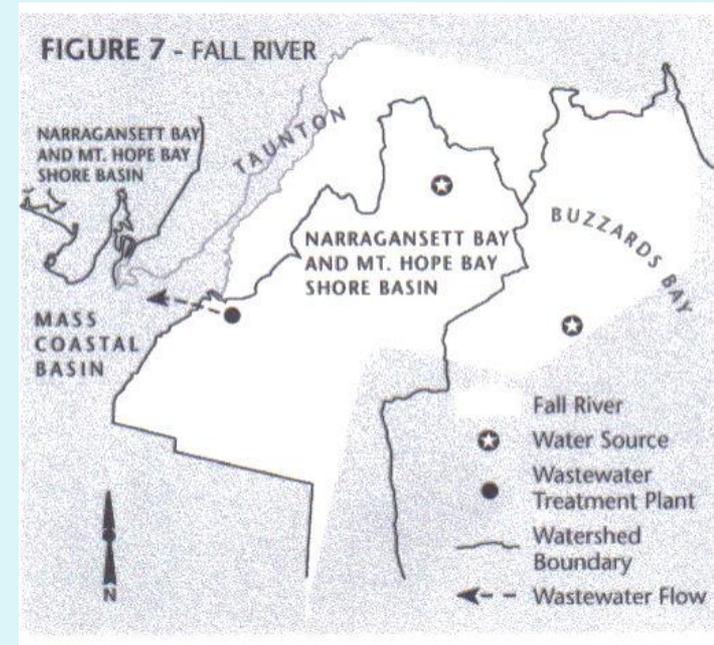
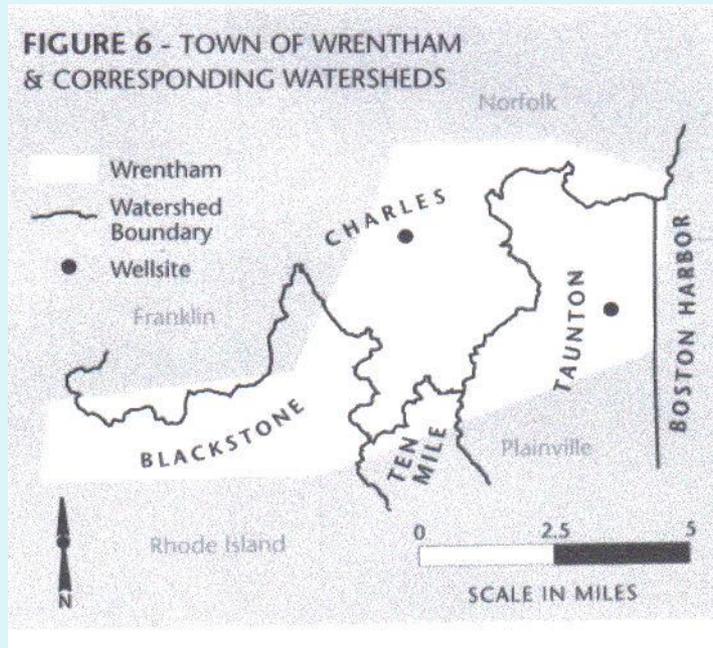
Example of a Wastewater Transfer Triggered by the Development of a Water Supply Source



Exemptions



Intratown Transfers



Other Exemptions



- Replacement of existing sources with sources of the same capacity
- Reactivation of unused but not decommissioned sources
- Sources developed solely to provide redundancy
- Addition of individual connections, as long as the original capacity of the system is not increased
- Increases in a WMA permit that do not require an increase in source capacity
- Emergency Connections Authorized by DEP

Levels of Review



1. Applicability
2. Insignificance
3. Approval

Determination of Applicability



- Formal review process required to assess if a project is subject to the Interbasin Transfer Act
- However, some inquiries can be handled on the staff level
- 90-day time-line for formal process

Applicability Requests Reviewed by the WRC



- MWRA Sudbury Aqueduct (1990)
- MWRA Metrowest Tunnel (1991)
- MWRA Framingham Extension Relief Sewer (1995)
- MDC Wastewater Facilities Plan (Wachusett Sewering) (1996)
- Sithe Edgar Water Supply (1999)
- Holden Water Supply (2001)
- MWRA Upper Neponset Relief Sewer Project (2003)
- Shrewsbury Home Farm Well #2 (2004)
- YMCA at Leggs Hill (2006)
- Turners Falls Hannigan Brook Well (2007)
- Foxborough Regional Sewer District (2008)
- Pioneer Valley Energy Center (2008)

Determination of Insignificance



- Based on the Environmental Impacts of Transfers of Less Than 1 MGD
- Formal Process
- 90-day Time-Line for a Determination
- Criteria for Insignificance Include (but not limited to):
 - A low flow streamflow protection (must be less than 5% of the 95% exceedance flow)
 - Consideration of the water-dependant resources
 - Consideration of the cumulative impacts of the transfer

Determination of Insignificance



- Some transfers of less than 1 MGD could potentially have significant environmental impacts
- A negative Determination of Insignificance is *NOT* a “No”
- The project might be able to be approved under a full application
- If a project is determined to be “insignificant”, there is no need for further review under the ITA.

Insignificance Requests Reviewed by the WRC



- Wellesley Water Sharing (MWRA) (1991)
- Southbridge DPW Water Supply to the Mass Turnpike and areas of Charlton (1994)
- MWRA Metrowest Tunnel Dewatering (1995)
- Hopkinton Water Purchase from Ashland (1999)
- Rockport Long Beach Sewer Project (2001)
- Essex Sewer Project (2002)
- Oxford Sewer Project (2002)
- Sager-Perron Sewering Project (2002)
- Charlton Water Connection to Oxford (2002)
- Cohasset Water Sale to Linden Pond Development (2004)
- Woodlands at Laurel Hill Water Supply (2006)
- Hopkinton South Street Sewer Connection (2009)

Application for Approval



- Criteria that must be met (although not all of them may be applicable to the project)
 - Completion of the MEPA Process
 - All viable in-basin sources must have been developed or ruled out as not viable
 - All practical water conservation measures must have been implemented
 - For existing surface water sources, a forestry management plan must have been implemented
 - Reasonable in-stream flow in the donor basin must be maintained
 - For groundwater transfers, a pumping test must be conducted and provided with the application
 - Cumulative impacts must be considered

Application for Approval



- These criteria should be met *BEFORE* applying for ITA approval!

How do You Know What the Commission Expects?



- The Commission developed Performance Standards in 1999 to outline how a proponent should address each criterion
- The Performance Standards only apply to a full application for approval
- Staff are also available at any point (earlier being better) to provide guidance

Application for Approval Process



- A full application for approval under the ITA triggers an EIR under the MEPA process
- The WRC has developed 4 Scopes to address ITA issues through the EIR process
- The Act and regulations require that the MEPA process be completed *BEFORE* the Commission can hold public hearings or make a decision on an application for approval

Timelines for an Application for Approval



- The Secretary's Final Certificate on the EIR must be issued
- All information requested for ITA review (generally through the MEPA process) must have been received
- The WRC must accept the application as complete
- The Commission then has 60 days to hold 2 public hearings, one in the donor basin and one in the receiving community.
- Staff recommendation to approve or deny the application made at next possible Commission meeting

Timelines for an Application for Approval



- Within 2 weeks of presentation of the Staff Recommendation, an additional public hearing is held.
- A decision **MUST** be made within 60 days following the close of the final public hearing.

Applications for Approval Reviewed by the WRC



- Brockton Pine Brook/Howard Reservoir Project (1986)
- MWRA Wellesley Extension Sewer (1988)
- Brockton Pine Brook (1990)
- North Reading Water Purchase from Andover (1991)
- Natick Elm Bank (1992)
- MWRA New Neponset Valley Relief Sewer (1992)
- Bedford Admission to the MWRA (1992)
- Dedham-Westwood Fowl Meadow Well (1992)
- Canton Well #9 (1998)
- Braintree-Weymouth Relief Facilities (1999)
- Stoughton Cedar Swamp Wellfield (1999)
- Mansfield Morrison Well (2000)
- Foxborough Witch Pond Well (2001)
- Stoughton Admission to the MWRA (2002)
- Weymouth Landing Sewer Project (2002)
- Aquaria Desalinization Project (2003)
- Plainville Lake Mirimichi Wellfield (2004)
- Brockton Water Purchase from Aquaria (2004)
- Cummingsville Branch Replacement Sewer (2005)
- Reading Admission to the MWRA (2005/2007)
- North Attleboro Hillman Well (2006)
- Avalon Bay Sewer connection (2007)
- Wilmington Admission to the MWRA (2007)

Interbasin Transfer Web Site



<https://www.mass.gov/interbasin-transfer-act>

Staff Contact



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