

GENERAL LAWS OF MASSACHUSETTS

The Interbasin Transfer Act

Section 8B. Definitions applicable to secs. 8B - 8D.

The following words and phrases, as used in this section and sections eight C and eight D, shall have the following meanings:--

"Commission", the water resources commission.

"Interbasin transfer", any transfer of the surface and groundwaters, including wastewater, of the commonwealth outside a river basin. If a city or town partially situated within a river basin takes waters from that basin, extension of water services to a portion of the same city or town outside the basin shall not be deemed an interbasin transfer of water.

"Insignificant increase", an increase insufficient to invoke the provisions of section eight C and eight D as determined by the commission; provided, however, that in no event shall an increase over one million gallons per day be deemed insignificant.

"River basin", a geographic area within the commonwealth determined by a body of water and its surrounding drainage area as delineated by the commission.

Section 8C. Increase in interbasin transfers of surface and groundwater; approval; exemption.

Any increase over the present rate of interbasin transfers of the surface or groundwater of the river basin shall require the approval of the commission, notwithstanding the provisions of any law to the contrary to increase a present interbasin transfer in addition to such other approvals that may be required by law. Said commission shall file a report of its findings, justifications, and decisions in relation to such approval or disapproval, with the clerks of the house of representatives and the senate, and with the state secretary for publication in the Massachusetts register.

Any emergency connections either approved under the provisions of sections forty and forty-one A of chapter forty, or authorized by a law to provide a necessary and adequate water supply shall be exempt from the provisions of this section for a period not to exceed six months of any calendar year, so long as they fulfill the criteria of the division of water supply of the department of environmental protection.

The provisions of this section and section eight D shall not apply to any insignificant increase over the present rate of interbasin transfers of the surface and groundwater of a river basin. The criteria for determining any insignificance shall be established by the commission based upon the impact to the donor basin.

Section 8D. Rules and regulations; criteria for approval; hearings; procedure.

The commission shall promulgate rules and regulations defining and delineating the river basins of the commonwealth, and establish application procedures and criteria upon which the commission shall base its approval or disapproval of any proposed interbasin transfer of waters. Said criteria shall include but not be limited to the following:--

(1) that all reasonable efforts have been made to identify and develop all viable sources in the receiving area of the proposed interbasin transfer,

(2) that all practical measures to conserve water have been taken in the receiving area, including but not limited to the following:

(a) the identification of distribution system sources of lost water, and where cost effective, the implementation of a program of leak detection and repair;

(b) metering of all water users in the receiving area and a program of meter maintenance;

(c) implementation of rate structures which reflect the costs of operation, proper maintenance and water conservation and encourage the same;

(d) public information programs to promote water conservation, including industrial and commercial recycling and reuse; and

(e) contingency plans for limiting use of water during seasonal or drought shortages;

(3) that an environmental review pursuant to section sixty-one and sections sixty-two to sixty-two H, inclusive, of chapter thirty has been complied with for the proposed interbasin transfer,

(4) that a comprehensive forestry management program which balances water yields, wildlife habitat and natural beauty on watershed lands presently serving the receiving area has been implemented,

(5) that reasonable instream flow in the river from which the water is diverted is maintained, said reasonable instream flow shall be determined by the commission in making its determination of applicability of the proposed interbasin transfer of water.

The decision of the commission to approve or deny a proposed interbasin transfer shall be determined after at least two public hearings, one of which shall be held in the proposed donor community and one of which shall be held in the receiving community and which shall take place after compliance with said sections sixty-one and sixty-two to sixty-two H, inclusive, of chapter thirty. All proceedings under sections eight C and eight D shall be subject to the provisions of chapter thirty A.