

# Interbasin Transfer Act

## Proposed Major Changes to 313 CMR 4.00



**MASSACHUSETTS WATER RESOURCES  
COMMISSION  
DECEMBER 11, 2014**

# Overview of Major Changes



1. Separated Applicability and Insignificance Procedures
2. Tailored Insignificance Data and Criteria to Different Types of Transfers
3. Option for Smaller Transfers ( $\leq 10,000$  gpd)
4. Regional Water Supply Approval Process
5. Eliminated Local Water Resources Management Plan
6. Specified Analyses and Other Requirements for Wastewater Transfers
7. Redelineated Some River Basins

# 1. Separated Applicability and Insignificance Procedures



- These sections are combined in the current regulations
- Information required is very different
- Used language previously approved by WRC in 2001
- Included within each section, subsections for
  - ✦ Procedures
  - ✦ Information Required
  - ✦ Criteria

## 2. Tailored Insignificance Data and Criteria to Different Types of Transfers



- Current regulations treat all requests as direct river withdrawals (hardly ever the case)
- Proposed revisions provide criteria better suited to different types of transfer
  - ✦ Wastewater transfers
  - ✦ Groundwater Transfers (derived from streamflow)
  - ✦ Transfers mainly impacting a lake or reservoir

# Insignificance



- **Wastewater transfers – New Application Requirements**
  - Provide new areas to be sewerred or area where system will be enlarged
  - Evaluate potential in-basin discharge areas
  - Provide information on impacts to NPDES permits, 7Q10 flows and available capacity at the WWTP
  - (No new criteria specific to wastewater transfers; will use existing or new criteria as applicable)

# Insignificance



- Groundwater Transfers (derived from streamflow)
  - Revised Criterion: the cumulative transfer including the proposed amount, in all cases, is less than five percent (5%) of the unimpacted Ninety-five Percent (95%) Exceedance Flow as measured at an appropriate point of the Donor Basin river or tributary
- This will also apply to any direct river withdrawal interbasin transfer

# Insignificance



- Transfers mainly impacting a lake or reservoir
  - Provide the drainage area of the impacted water body
  - New Criteria:  
Transfer must be
    - ✦ less than 5% of drought year inflow (annualized Q90), **and**
    - ✦ less than 1% of annual rainfall on drainage area
    - ✦ Where appropriate, flow augmentation and/or protection measures will be considered.

### 3. Option for Smaller Transfers ( $\leq 10,000$ gpd) Under Insignificance



- Transfers of  $\leq 10,000$  gpd can be found insignificant based on the following information:
  - Major River Basin
  - Any potentially affected water bodies
  - Any special resource values
  - Any communities, sections of communities, water district(s) or sewer district(s) involved or impacted
  - And the wastewater discharge point;
- If the WRC cannot determine, based on this information, that the project is insignificant, further review **will** be required.



# 4. Regional Water Supply Approval Process



- Allows Regional Water Suppliers to receive approval of Donor Basin Criteria before identifying all customers
  - Single Donor Basin portion of the application eliminates duplicate future applications
  - Donor Basin and Receiving Area Criteria same as for any full review, but may be completed at different times
  - Time Limits:
    - ✦ Ten Year Check In
    - ✦ Twenty Year Expiration

# Regional Water Supply Approval Process

## Criteria for Donor and Receiving Basins



### DONOR BASIN

- MEPA Compliance
- Reasonable Instream Flow
- Pumping Test (if a Groundwater Source)
- Cumulative Impacts

### RECEIVING AREA

- MEPA Compliance
- Identify and develop all viable sources
- Water Conservation
- Comprehensive forestry management program

# Regional Water Supply Approval



- **Time Limit for Use of Approved Donor Basin Volume**

## Ten Years:

- File a report describing any changes to Donor Basin criteria that may have occurred since the original Decision
- If the Commission takes no action on the report within six months of receipt, the original approval continues
- If the Commission determines that conditions in the Donor Basin have changed the approval of the Donor Basin portion of the application for the unallocated portion of water will be revised

## Twenty Years:

- Approval of any unallocated water expires

## 5. Eliminated the Requirement for a Local Water Resources Management Plan for Transfers for Approval



- Plans are redundant with other planning efforts being undertaken by water suppliers
- Information required by the plans is generally supplied in the EIR, which the WRC uses as the ITA application
- Replaced with information requested under Description of the Proposed Interbasin Transfer: “an evaluation of how it (the transfer) supports the long-range water resources planning of the applicant”

## 6. Specified Analyses and Other Requirements for Wastewater Transfers



- Incorporated 1987 guidance
  - Added to definition of “Receiving Area”: (Area whose wastewater is collected for discharge out of basin)
  - Added to definition of “Viable Sources”: (Alternatives which can treat, reuse, and/or discharge wastewater within the basin of origin)
- Requires data specific to wastewater

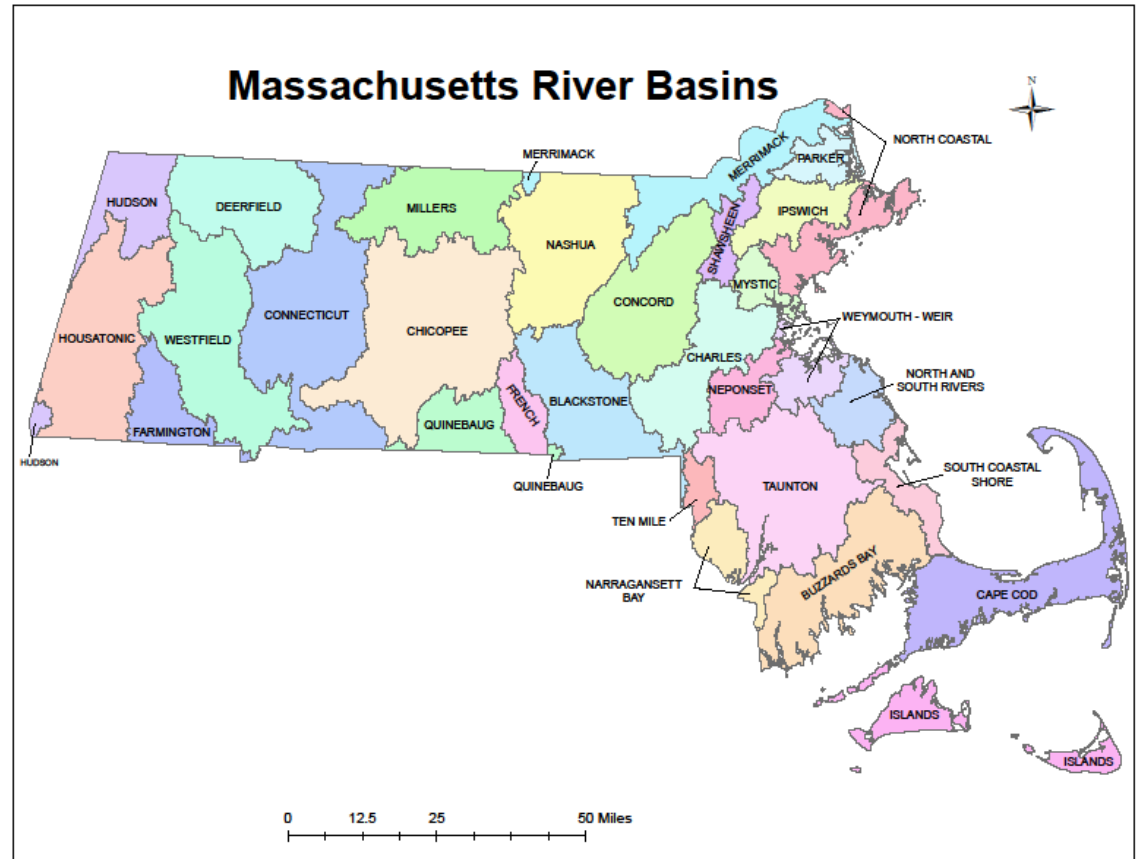
## 7. River Basins

Split the South Coastal Basin into two (2) basins:

- North and South Rivers Basins
- South Coastal Shore Basin

Split Boston Harbor into three (3) basins:

- Mystic River Basin
- Neponset River Basin
- Weymouth and Weir Rivers Basin





Questions?