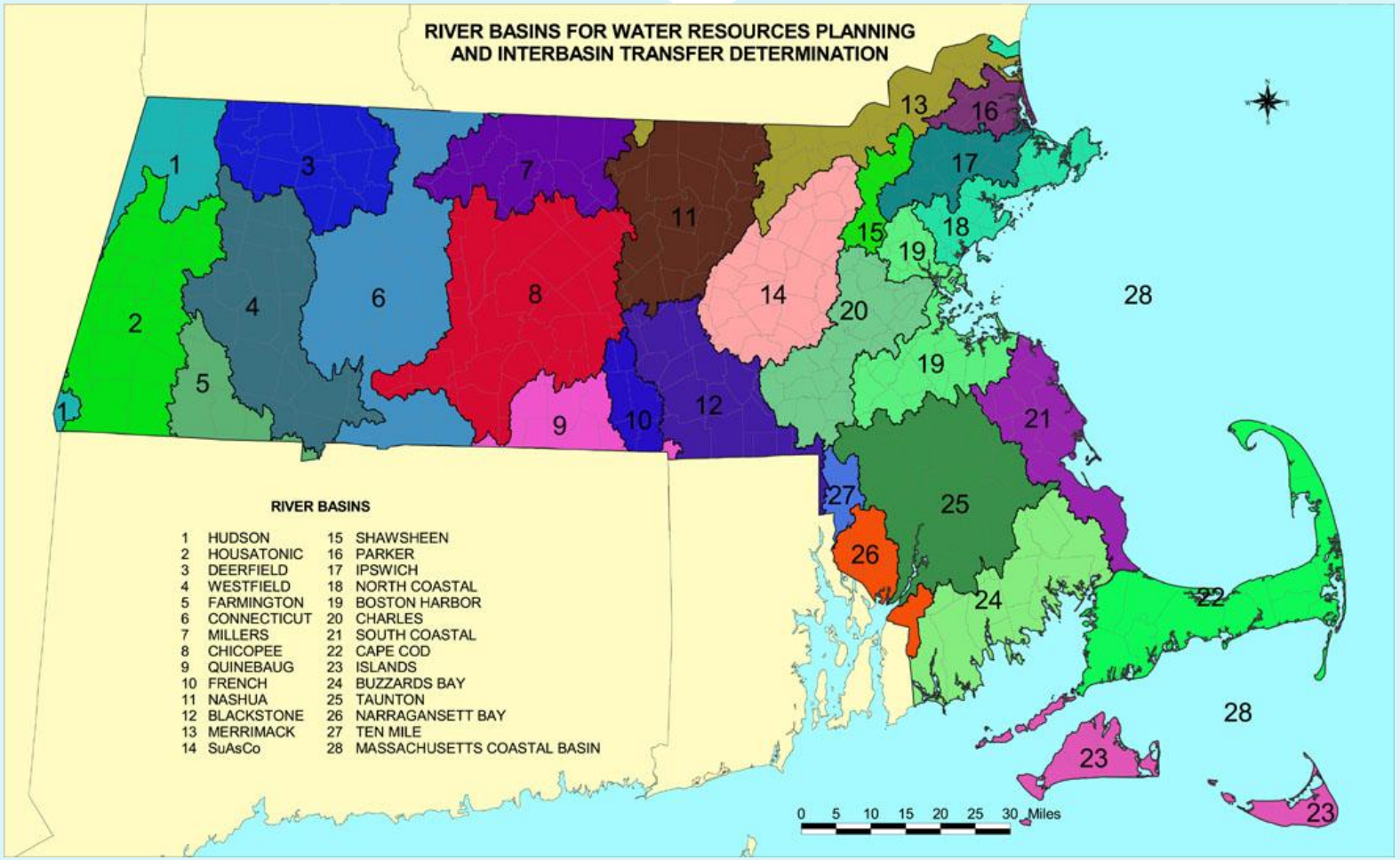
# Introduction to the Interbasin Transfer Act

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
- It is administered by the Massachusetts Water Resources Commission
- The Department of Conservation and Recreation (DCR) Office of Water Resources provides the technical and administrative work on the Act for the Commission

# The 28 River Basins of the Commonwealth of Massachusetts



# *Fun Facts!*

- 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
  - And the project must meet all the applicable criteria outlined in the Act to be approved
- If the proposal cannot meet the applicable criteria, the request for transfer will be denied
- There is *NO* threshold amount for regulatory review
- The Act is *NOT* a permitting program, it is a one-time approval process
- Any increase in the capacity of a transfer system 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)

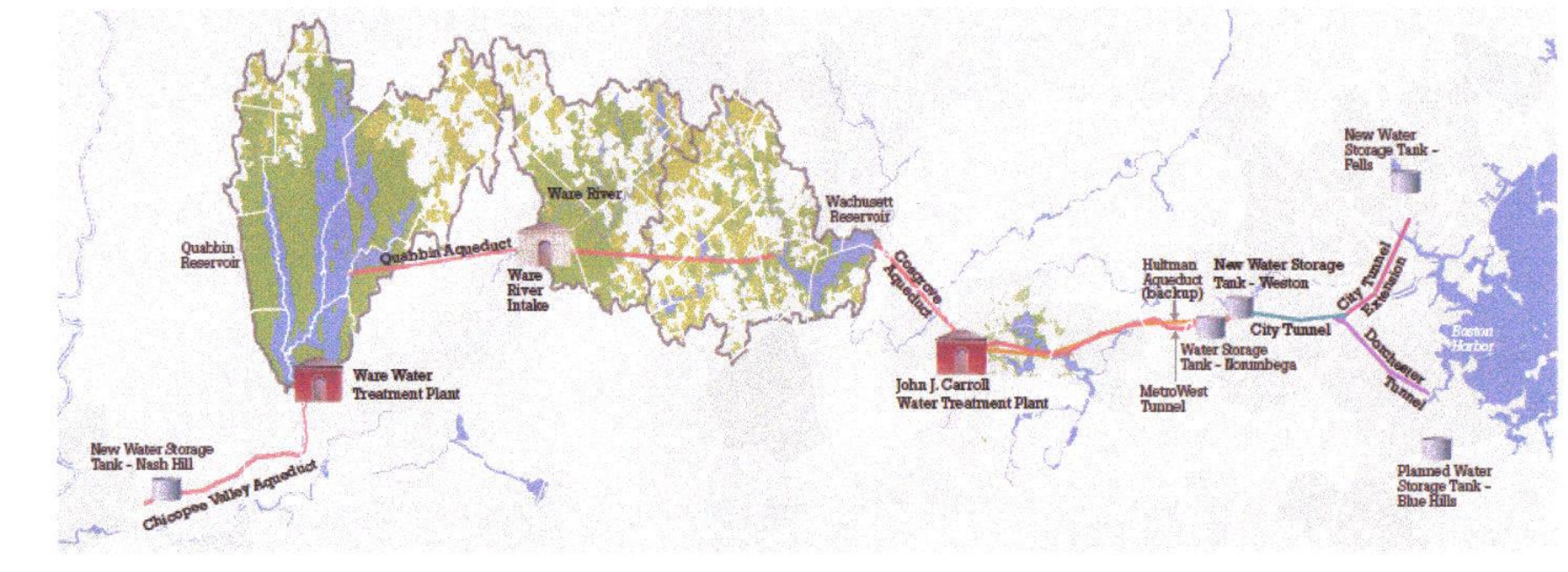
# Types of Transfers

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

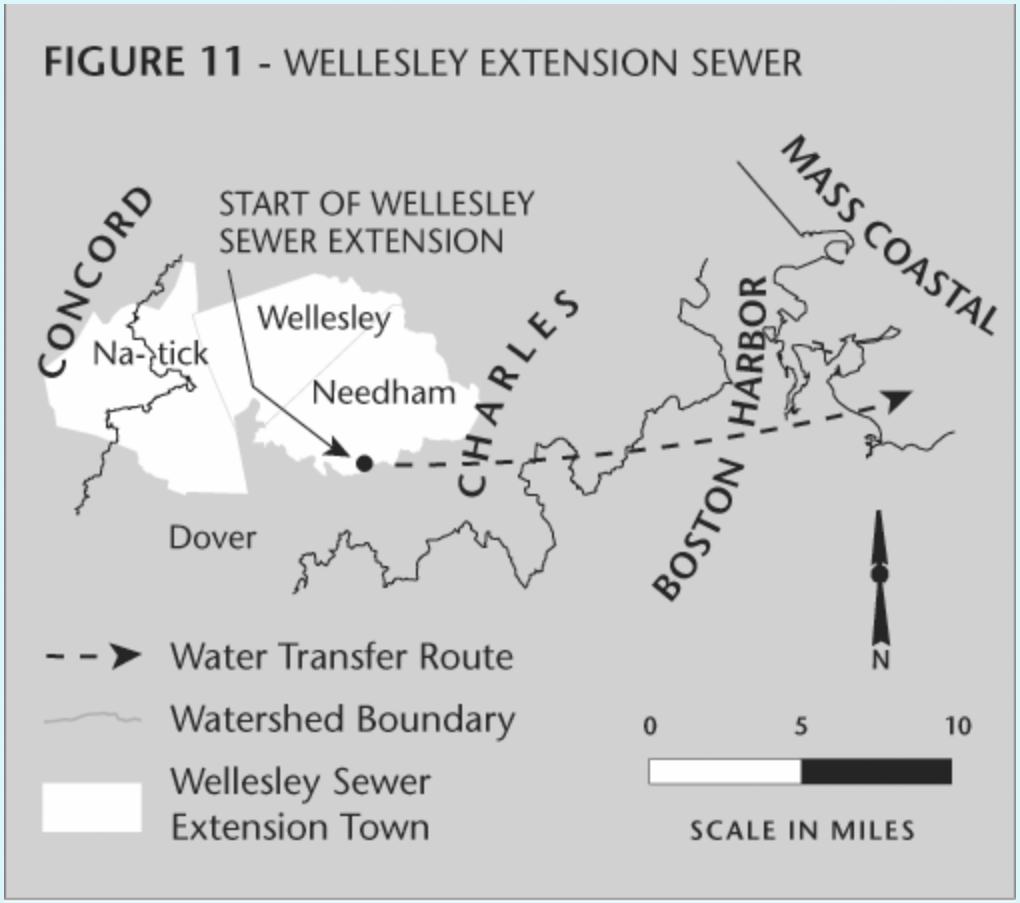
# MWRA Water Supply System



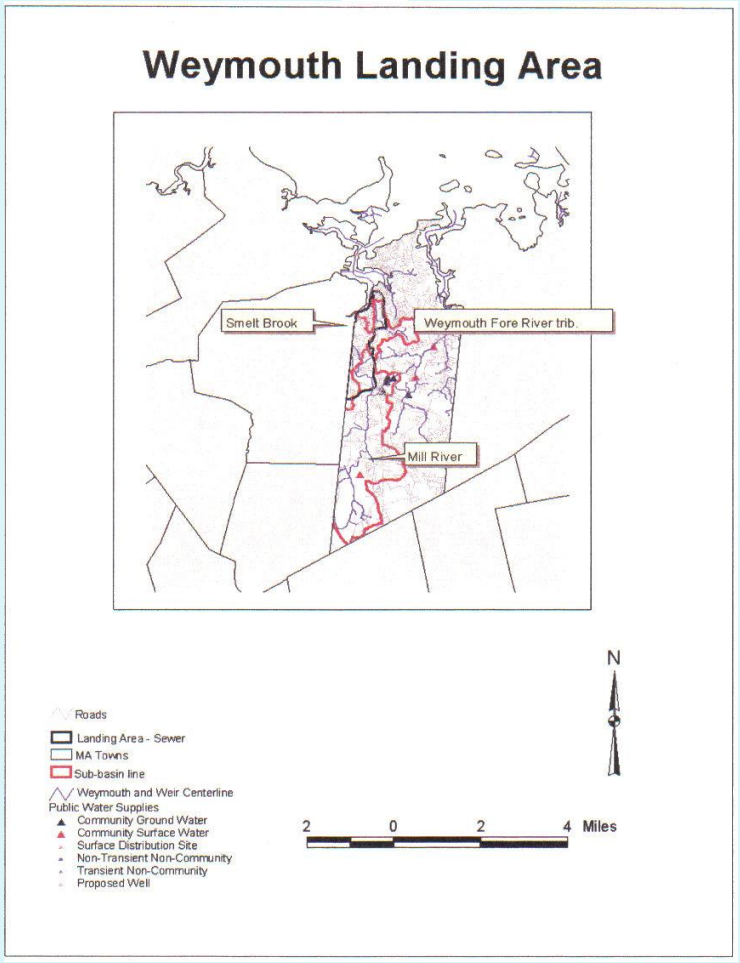
# Wastewater Transfer

- 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



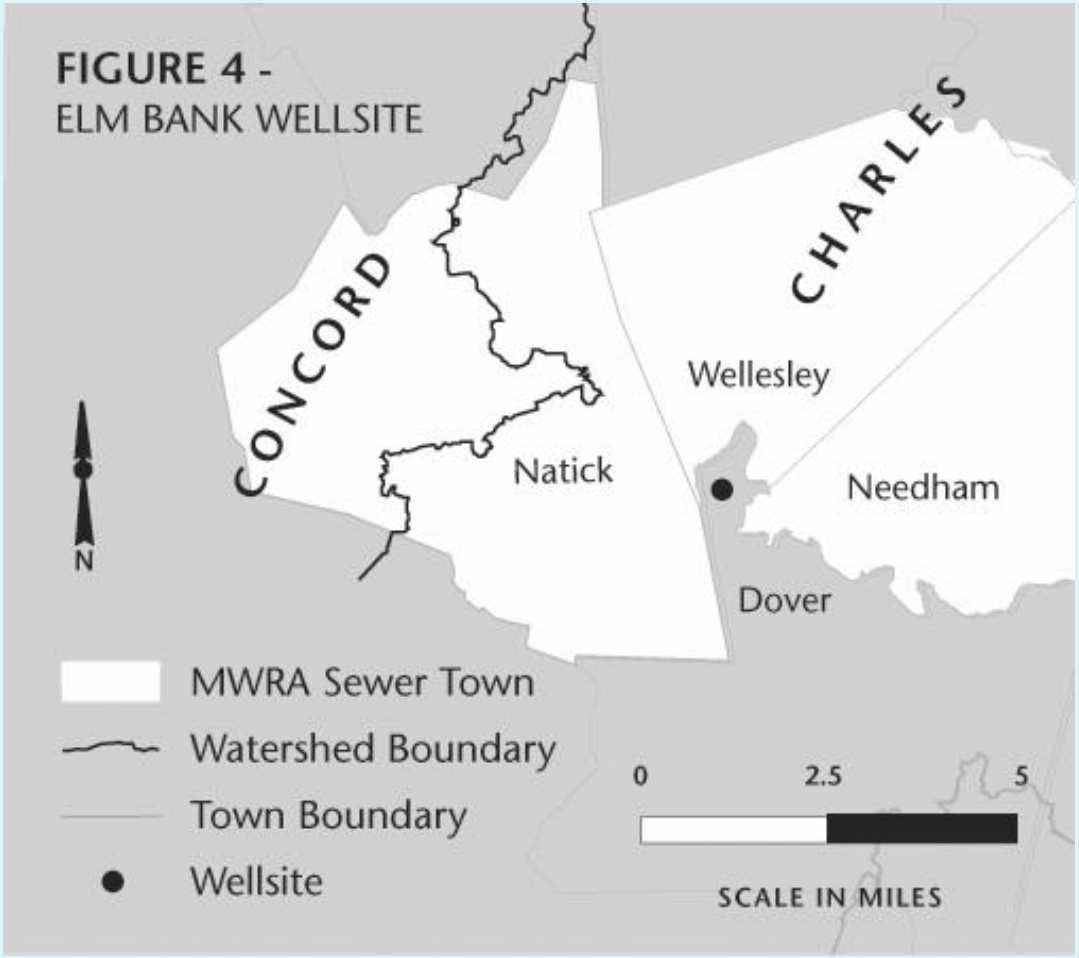
# Wastewater Example 2



# Wastewater Transfer Triggered by The Development of a Water Supply Source

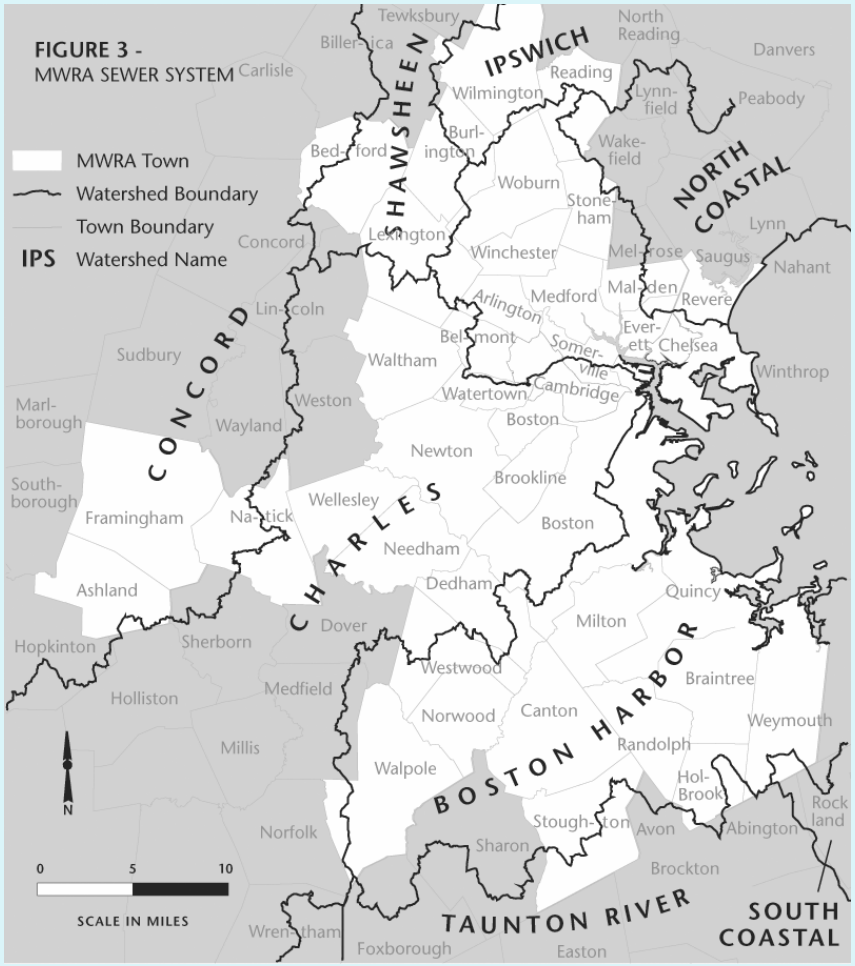
- A new source is developed in a community which has a wastewater system with a discharge point in a different basin and community.
- Water from this source will not be returned to its basin of origin.
- Even though the wastewater capacity is not changing, increasing the in-basin water supply capacity 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

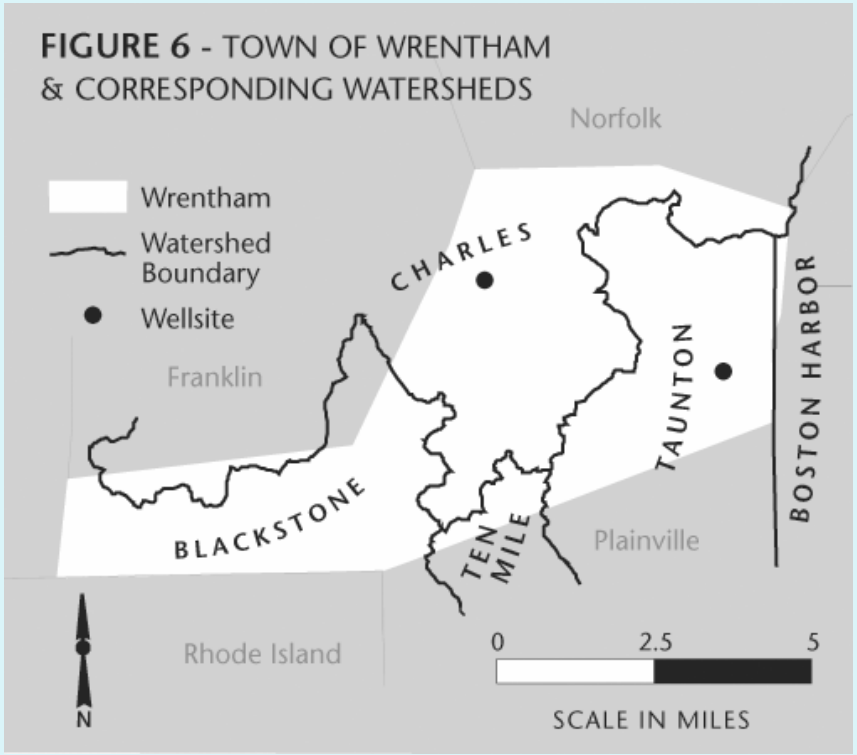


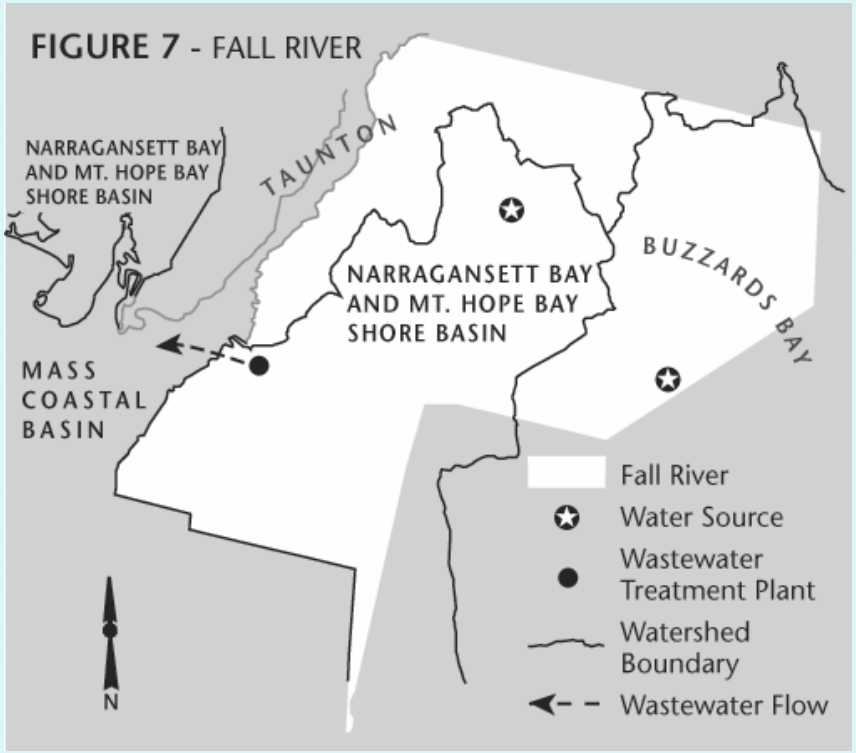
# Exemptions

# Existing Systems



# 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
- 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):
  - Withdrawal is less than 5% of the instantaneous flow
  - Consideration of the water-dependant resources
  - Consideration of the cumulative impacts of the transfer

- 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

- Eight 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
  - The receiving community must have or be developing a local water resources management plan
  - Cumulative impacts must be considered

- 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

The Performance Standards are Available at:
http://www.mass.gov/dcr/watersupply/intbasin/docs/finalps.pdf

# 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 (available at: http://www.mass.gov/dcr/watersupply/intbasin/actionapp.htm)
- 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

- 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 Desal 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

http://www.mass.gov/dcr/watersupply/intbasin/index.htm

# Contact

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