# Interbasin Transfer Act Proposed Regulation Revisions 313 CMR 4.00

# MASSACHUSETTS WATER RESOURCES COMMISSION SEPTEMBER 8, 2016



#### To Date...

#### 1987 - 2013

- WRC Policies addressed gaps in regulations
- Wish lists of needed updates and clarifications



#### Goals of Revision

#### Goals

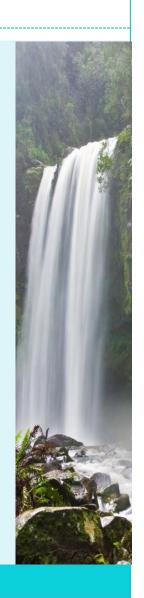
- 1) Incorporate WRC policies adopted to address gaps
- 2) Incorporate 21st century water resources science
- 3) Streamline procedures
- 4) Clarify terms and improve organization



#### **Revision Process**

#### Dec 2013 - Present

- Interagency work group (21 meetings)
  - EEA (co-chair), DCR (co-chair), DFG, DEP
  - Facilitator
- Targeted outreach to stakeholder groups
  - > MWWA
  - > MWRA
  - > CRWA
  - MA Rivers Alliance
  - Nashua River Watershed Association
  - CT River Watershed Council
  - MWRA Citizens Advisory Committee



## Revision Process (continued)

#### Dec 2013 - Present

- Presentations and deliberations at 5 WRC meetings (March, April, May, November, and December 2014)
- Administrative review and EO 562 review



# Overview of Major Changes

- Specified Insignificance Criteria for Different Types of Transfers
- Added Streamlined Option for Transfers ≤ 10,000 gpd
- Added a Regional Water Supply Approval Process
- Specified Process for Wastewater Transfers
- Revised Approach to Local Water Resources Planning Requirements



# Insignificance

- Current regulations treat all requests as direct river withdrawals (hardly ever the case)
- Revisions specify review process for:
  - Wastewater transfers
  - Transfers mainly impacting streamflow
  - Transfers mainly impacting a lake or reservoir
- Added streamlined option for transfers < 10,000 gpd</li>



## Insignificance – Streamflow Criteria

- Criteria for transfers impacting streams
  - > Updated metrics based on 21st century hydrologic analysis
  - > Environmentally protective
  - Road-tested using past projects



# Insignificance – Lake or Reservoir

- Criteria for transfers impacting a lake or reservoir
  - New metrics developed
  - > Environmentally protective
  - Where appropriate, flow augmentation and/or protection measures will be considered



# **Insignificance - Option for Smaller Transfers**

- Added streamlined option for transfers ≤ 10,000 gpd
- Initial screening looks for potentially impacted:
  - Nearby water bodies (at source and wastewater discharge point)
  - Special resource values
  - Community water or wastewater systems
- Based on screening WRC can require further review.



# Regional Water Supply Approval Process

- Regional Suppliers can seek approval of Donor Basin Criteria before identifying all Receiving Areas
  - One-time approval of Donor Basin portion of the application eliminates duplicate review
  - 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



# Local Water Resources Management Plan

- Today, these plans are redundant with other local planning efforts.
- Information required by the plans is generally supplied in the EIR, which the WRC uses as the ITA application.
- Replaced criterion with a requirement to provide an evaluation of how the transfer supports the long-range water resources planning of the applicant



#### Wastewater Transfers

- Incorporated 1987 guidance
  - Added wastewater definition of Receiving Area
  - > Added wastewater definition of Viable Sources
- Requires data specific to wastewater
  - > Provide new areas to be sewered
  - Evaluate potential in-basin discharge areas
  - Provide information on impacts to NPDES permits, 7Q10 flows and available capacity at the WWTP



# Next Steps

## **October 2016 WRC meeting**

Vote on releasing revisions for public comment

#### **Late 2016 - 2017**

- Response to public comments
- WRC deliberations and final vote
- Administrative review
- Promulgation



#### Contact

Vandana Rao, EEA vandana.rao@state.ma.us 617-626-1248 Anne Carroll, DCR Anne.Carroll@state.ma.us 617-626-1395



# Questions?

