

# 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 21<sup>st</sup> 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  $\leq 10,000$  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  $\leq 10,000$  gpd





# Insignificance – Streamflow Criteria



- Criteria for transfers impacting streams
  - Updated metrics based on 21<sup>st</sup> 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  $\leq 10,000$  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 sewerred
  - 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?

