

Interbasin Transfer Act Proposed Revisions to Regulations



**MASSACHUSETTS WATER RESOURCES
COMMISSION
MAY 8, 2014**

Presentation Outline



- Summary of outreach meetings and comment letters
- Staff proposed revisions in response to comments
- Next steps

Outreach Meetings with Stakeholders



- April 30: MA Water Works Association*
- April 30: MA Water Resources Authority*
- May 1: Charles River Watershed Association*
- May 2: Western MA
 - MA Rivers Alliance
 - Nashua River Watershed Association
 - Connecticut River Watershed Council
 - MWRA Water Supply Citizens Advisory Committee
 - Robie Hubley (Private Citizen, retired from Mass Audubon and WSCAC)

*Also provided written comments

Topics covered by comments



1. Determinations of Insignificance
2. Local Water Resources Management Plan
3. Splitting Boston Harbor and South Coastal Basins
4. Integration with SWMI
5. Timing/Schedule
6. Consolidated Donor Basin

Insignificance- Summary of Comments



Very Small Transfers (less than 15,000 gpd)

- 15,000 gpd not scalable to watershed size and type
- Not enough donor basin information to assess impacts
- Those below 15,000 gpd may not look at offsets

Overall feedback: moderate support to strong opposition

Staff Recommendation

- Lower threshold to 10,000 gpd and require description of any special resource values potentially impacted

Insignificance - Additional Comments



- Addition of eelgrass and shellfish beds as special resource values to be considered under the criteria for insignificance (CZM comments – received at the April WRC meeting and through written comments)
- Addition of fishery resources and wetlands as special resource values to be considered under the criteria for insignificance (DFG comments – received at the April WRC meeting)

Staff Response

- Both of these suggestions will be incorporated into the regulations

Elimination of Local Water Resources Management Plan- Summary of Comments



- Concern that removal will eliminate an important concept
- Concern that removal may impact DEP WMA requirements
- Recognition that WRC could address this in policy

Staff Recommendation

- Move forward with elimination of criterion, but require applicant to demonstrate how transfer supports long range water resources plans
- WRC discuss policy on how to better support goal

Splitting Boston Harbor and South Coastal Basins- Summary of Comments



- Support for the separation: “better reflects reality”
- Concern that the ITA will be triggered when it had not previously, want analysis of implications
- Will WRC grandfather existing transfers?

Staff Recommendation

- Move forward with splitting as proposed
- Assure that existing transfers between previously single basins will be grandfathered
- Consult with DEP to report on implications of splitting

Integration with SWMI- Summary of Comments



- SWMI Science should inform Viable Source analysis
- WRC should allow “double counting” of mitigation done under SWMI
- Concern that ITA decisions could have unintended SWMI impacts for water suppliers

Staff Recommendation

- Reconvene interagency workgroup to discuss above issues and report back to WRC and public

Timing/Schedule- Summary of Comments



- Concern that stakeholders should have been involved earlier in the process
- Difficult to focus on ITA with current SWMI demands on time and resources

Staff Response

- Conducting targeted outreach sessions
- Postpone vote until June
- Be responsive to concerns whenever possible

Consolidated Donor Basin



**PROPOSED APPROACH
AND COMMENTS RECEIVED**

Consolidated Donor Basin- Summary of Comments



- General support for one-time donor basin review
- Range from strong opposition to moderate support for separate receiving basin pathway for less than 1 mgd
- Range from strong opposition to strong support for reservoir release requirements
- Range from opposition to support for time limit on donor basin analysis for unsold water

Staff Recommendation

- Eliminate separate receiving basin pathway for less than 1mgd
- Under full review, include language parallel to the proposed insignificance language on protecting instream flows

Proposed Addition to Full Review- Consideration of protecting instream flows



Propose adding language under full review parallel to proposed insignificance language in 4.04:

Information Required -

“(4)(m)Any proposed flow management provisions, flow protection thresholds or other measures to minimize or offset impacts of the transfer on streamflows.”

Criteria -

“(5)(f)That consideration has been given to measures to protect instream flows, as described in (4)(m), and where appropriate, any such measures are proposed as part of the application”

Consolidated Donor Basin Application



- **Proposal: Provide application process for regional water suppliers to receive permission to transfer water before identifying all customers**
 - Streamlined one-time donor basin application for a specified transfer amount eliminates need to duplicate donor basin portion in future applications
 - Donor and Receiving Basin Criteria same as for any full review, but may be completed at different times
 - Time Limit on WRC Acceptance of Donor Basin Criteria
Concept: Determination of volume available from the donor basin will be effective for 20 years from date of issuance; unsold volume will be evaluated based on review of donor basin conditions and relevant science 10 years from date of issuance

Donor Basin Requirements



- MEPA Compliance
- Reasonable instream flow
- Pumping Test (if a Groundwater Source)
- Cumulative Impacts

Receiving Basin Requirements



- MEPA Compliance
- Identify and develop all viable sources
- Water Conservation
- Comprehensive forestry management program (on *existing* surface water sources)

Next Steps



- Vote to move redline into the revision process: **June**
- Governor's Office review: **June/July**
- Draft regulations issued for public comment:
August/September
- WRC vote on final regulations: **Fall 2014**
- Update ITA Guidance, Performance Standards and application materials to reflect the revised regulations: **Ongoing**