



MASSACHUSETTS WATER RESOURCES AUTHORITY

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November 10, 2025

MEPA Office
Attn: Tori Kim, Director
100 Cambridge St, 10th Floor
Boston, MA 02114

Submitted via email at MEPA-regs@mass.gov

RE: Proposed Amendments to 301 CMR 11.00: MEPA Regulations

Dear Ms. Kim:

The Massachusetts Water Resources Authority (“MWRA”) appreciates the opportunity to comment on the Massachusetts Environmental Policy Act (“MEPA”) Office’s proposed amendments to 301 CMR 11.00 *et seq.* and the accompanying background documentation (“Proposed Amendments”). In accordance with the terms of the notice published in *The Massachusetts Register* on October 7, 2025, the MWRA respectfully submits its comments regarding the Proposed Amendments, which generally concern streamlining the MEPA review of qualifying housing projects to align with actions to boost housing production as outlined in the Comprehensive Housing Plan for 2025-29, as well as corresponding recommendations of the Unlocking Housing Production Commission formed in 2024.

MWRA supports the Healey-Driscoll administration’s efforts to increase housing through the Commonwealth. MWRA would like to ensure that all new development is fully vetted for access to water and wastewater services prior to moving forward.

1. MWRA Overview

MWRA was established by the Massachusetts Water Resources Authority Act, Chapter 372 of the Acts of 1984, as amended, wherein it is recognized as an independent public authority. The exercise by the MWRA of powers conferred by this statute is deemed to be the performance of an essential public function. MWRA provides wholesale water and wastewater services to 3.1 million people and more than 5,500 businesses in 61 communities in eastern and central Massachusetts.

2. MWRA Comments

MWRA offers the following comments on the Proposed Amendments.

A. 301 CMR 11.01(2)(c)(1): Projects presumed likely or unlikely to cause Damage to the Environment

In the Proposed Amendments, MEPA is proposing new criteria “...for qualifying housing projects that are not presumed likely to cause damage to the environment. The criteria are based on core principles to identify characteristics of housing projects for which significant environmental impacts are avoided and minimized, such that additional MEPA review would provide limited benefit to the environment.” MWRA appreciates MEPA’s recommendations to streamline the MEPA review process for certain projects. MWRA is concerned that some of the proposed criteria are too narrow and may allow projects with significant water and wastewater impacts to proceed through the MEPA review process without providing adequate information or opportunities to review and assess those potential impacts. Specific concerns are set forth below.

A.1. 301 CMR 11.01(2)(c)(1)(a)

The Proposed Amendments “...devotes 67% or more of the gross floor area of the Project to residential uses, with the remainder devoted to supportive commercial uses...” This criterion does not include a limit to the size of the development, simply the percentage of floor area for residential use.

There are several new large developments in MWRA’s service area. These developments are estimating that they will require significant new water demands and create equivalent wastewater flows (exceeding 500,000 gallons per day). Although MWRA generally has available capacity to provide for additional drinking water demands in member communities, MWRA’s wastewater system does not have the commensurate capacity. During wet weather events, MWRA’s Deer Island Treatment Plant (DITP) often receives up to four times that amount of dry weather flow (1.2 billion gallons per day vs 300 million gallons per day) which is just shy of the plant’s capacity. Additionally, four MWRA member communities (*i.e.*, Boston, Cambridge, Chelsea, and Somerville) have combined stormwater and wastewater systems. These combined systems can result in an additional 1 billion gallons of flow that is treated at four combined sewer overflow (“CSO”) treatment facilities and may cause other CSO discharges into local waterbodies during large storm events. Some MWRA member communities with fully separated stormwater and wastewater systems experience Sanitary Sewer Overflows (SSOs) during wet weather events.

MWRA and the Cities of Cambridge and Somerville are in the process of developing a Draft Updated CSO Control Plan for the Alewife Brook, Upper Mystic River, and the Charles River. MWRA has already spent close to \$1 billion on CSO controls, and this Updated Plan is anticipated to further reduce CSO discharges into these waterbodies. Large developments, however, have the potential to derail the anticipated benefits of the new CSO discharge reduction projects. While one development producing approximately 500,000 gallons per day of wastewater may have limited impacts on the ability of the MWRA and the four CSO communities to achieve CSO discharge reductions, multiple developments will significantly impact potential CSO discharge reductions. As documented in our comments on specific projects in the MEPA review process, MWRA requests that developers proactively remove a minimum of

four gallons of inflow (stormwater) and/or infiltration (groundwater) from a hydraulically related sewer system(s) for every gallon of new wastewater flow, as required by Massachusetts Department of Environmental Protection (MassDEP) regulation. For a 500,000 gallon per day development, that translates to a removal of two million gallons per day of wastewater from the collection system prior to the development project connecting. These discussions are vital to MWRA and are possible because of the multi-step MEPA review process projects are currently required to undergo.

A.2. 301 CMR 11.01(2)(c)(1)(f)

The Proposed Amendments to 301 CMR 11.01(2)(c)(1)(f), "...does not require approval of a new interbasin transfer of water or wastewater, unless determined to be insignificant by the Water Resources Commission pursuant to the Interbasin Transfer Act and implementing regulations at 313 CMR 4.00..." Interbasin Transfer Act ("ITA") approvals are not required for most MWRA member communities; as a result, most of the large developments in the MWRA service area do not require an interbasin transfer review that would initiate MEPA review. As explained above, MWRA does not have capacity in our wastewater collection system for unlimited large developments in our service area.

The estimated water usage and wastewater flows are often unclear at the ENF stage of the MEPA review. MWRA would like the opportunity to fully vet large developments coming into its service area and these amendments may circumvent that opportunity. We strongly recommend that consultation with the local water and wastewater utility be explicitly required within 301 CMR 11.01(2)(c)(1).

On behalf of the MWRA, thank you for the opportunity to provide comments on the proposed amendments. Please do not hesitate to contact Colleen Rizzi of my staff at (617) 570-5412 or via email at colleen.rizzi@mwra.com with any questions or concerns.

Sincerely,



Rebecca Weidman
Deputy Chief Operating Officer

cc: Fred Laskey, MWRA
Matthew Romero, MWRA Advisory Committee