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November 10, 2025

MEPA Office

Attn: MEPA Director

100 Cambridge Street, 10th Floor

Boston, MA 02114

VIA Email: MEPA-regs@mass.gov

RE: Comments on Proposed Revisions to MEPA Regulations (301 CMR 11.00)

Dear Ms. Kim:

The Massachusetts Water Works Association (MWWA) is a non-profit organization representing more than 1,500 water supply professionals across the Commonwealth. Our members—water operators, managers, engineers, and other professionals—are responsible for ensuring the delivery of safe, reliable drinking water to Massachusetts residents. We appreciate the opportunity to comment on the proposed revisions to the Massachusetts Environmental Policy Act (MEPA) regulations, which aim to streamline environmental review for certain housing and ecological restoration projects.

Advisory Committee Engagement

MWWA previously participated as a member of the MEPA Advisory Committee convened to provide input on the 2023 regulatory revisions. We recently learned that a meeting of this Advisory Committee was held to discuss the current proposal, but MWWA did not receive an invitation to participate. We respectfully urge MEPA to ensure that all Advisory Committee members are included in future discussions to maintain a broad and balanced stakeholder dialogue, particularly given the intersection of these regulations with public water supply protection.

Interbasin Transfer Act (ITA) Threshold

MEPA proposes that a project shall not be presumed likely to cause “Damage to the Environment” if it:

“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, and does not require new or expanded gas mains.”

MWWA is concerned that this criterion is too narrow and may lead to unintended consequences. The adequacy of water and wastewater infrastructure to support housing extends far beyond whether a project meets the Interbasin Transfer Act’s “determination of insignificance.” In practice, project proponents often fail to engage local utilities early enough to assess system capacity, and the Environmental Notification Form (ENF) process frequently provides the first opportunity for such evaluation.

We strongly recommend that **consultation with the local Public Water System and wastewater utility (including districts/authorities/commissions who may be independent from the municipality itself)** be explicitly required within this section. Such engagement would ensure a realistic understanding of system capabilities and help avoid misperceptions that compliance with the ITA threshold alone guarantees adequate infrastructure support.

Streamlining Regionalization and Small Transfers

As Massachusetts communities continue to explore regionalization to address water supply challenges, MWWA notes that several utilities—including the Massachusetts Water Resources Authority (MWRA)—have capacity to provide wholesale or supplemental service to neighboring systems. However, the current position of the Water Resources Commission (WRC) is that **any** connection to the MWRA, regardless of scale, cannot be deemed “insignificant” and must undergo a full ITA review. This requirement imposes unnecessary cost and delay for utilities seeking small supplemental volumes.

We urge MEPA, in coordination with the WRC, to establish a **streamlined review process** for minor interconnections or supplemental transfers to MWRA or other larger regional systems, to facilitate system resiliency while maintaining environmental safeguards.

Segmentation and Process Efficiency

The ITA’s treatment of “Segmentation” under Section (d) requires evaluation of both the volume of water requested and the associated physical infrastructure needed to make the connection. Because these reviews are interdependent, proponents cannot begin the volume approval process until detailed infrastructure plans are completed, creating avoidable delays. MWWA suggests that MEPA explore opportunities to **separate volume determinations from infrastructure design review**, allowing for earlier assessment of feasibility and improved project coordination.

Streamlining MEPA Review for Water Infrastructure Projects

Public Water Systems face a significant backlog of infrastructure projects essential for maintaining compliance, improving system resilience, and supporting sustainable growth. MWWA believes that MEPA should apply the same streamlining principles being proposed for housing and ecological restoration to **critical water infrastructure and water supply development projects**.

We urge MEPA to review the thresholds in **Sections 11.03(4) and 11.03(5)** to identify opportunities to simplify or expedite the review of projects necessary to sustain public health protection and ensure regulatory compliance under the Safe Drinking Water Act.

Broader Water Resource Considerations

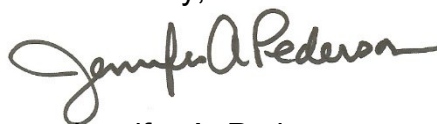
While these issues may extend beyond the scope of the current regulatory proposal, MWWA wishes to highlight several related concerns:

- **Water Quality and Wastewater Discharges:** Efforts to expand housing should not compromise water quality protection. With the growing awareness of PFAS contamination, the cumulative impacts of increased wastewater discharges warrant careful evaluation.
- **Water Management Act (WMA) Mitigation:** Under the WMA, permittees often rely on land protection for mitigation credit. To the extent that undeveloped land is converted for housing without environmental review, water suppliers may lose valuable opportunities for mitigation and source protection.
- **Coordination with Article 97 Regulations:** The MEPA regulations reference Article 97 and its implementing regulations at 301 CMR 52.00. MWWA submitted comments on those proposed regulations in February 2025, which remain unfinalized. We encourage the Executive Office of Energy and Environmental Affairs (EEA) to finalize those regulations promptly, as ongoing uncertainty continues to impact water suppliers navigating the disposition process.

Conclusion

MWWA appreciates the opportunity to provide input on these proposed changes. We support the Commonwealth's goal of increasing housing opportunities but emphasize that doing so must not come at the expense of public water supply protection. We welcome the chance to meet with MEPA staff to discuss these recommendations before the regulations are finalized.

Sincerely,



Jennifer A. Pederson
Executive Director