Interbasin Transfer Act
Proposed Major Changes to 313 CMR 4.00

Massachusetts Water Resources Commission
December 11, 2014
Overview of Major Changes

1. Separated Applicability and Insignificance Procedures
2. Tailored Insignificance Data and Criteria to Different Types of Transfers
3. Option for Smaller Transfers (≤ 10,000 gpd)
4. Regional Water Supply Approval Process
5. Eliminated Local Water Resources Management Plan
6. Specified Analyses and Other Requirements for Wastewater Transfers
7. Redelineated Some River Basins
1. Separated Applicability and Insignificance Procedures

- These sections are combined in the current regulations
- Information required is very different
- Used language previously approved by WRC in 2001
- Included within each section, subsections for
  - Procedures
  - Information Required
  - Criteria
2. Tailored Insignificance Data and Criteria to Different Types of Transfers

- Current regulations treat all requests as direct river withdrawals (hardly ever the case)
- Proposed revisions provide criteria better suited to different types of transfers
  - Wastewater transfers
  - Groundwater Transfers (derived from streamflow)
  - Transfers mainly impacting a lake or reservoir
Insignificance

- **Wastewater transfers – New Application Requirements**
  - Provide new areas to be sewered or area where system will be enlarged
  - Evaluate potential in-basin discharge areas
  - Provide information on impacts to NPDES permits, 7Q10 flows and available capacity at the WWTP
  - (No new criteria specific to wastewater transfers; will use existing or new criteria as applicable)
Insignificance

- Groundwater Transfers (derived from streamflow)
  - Revised Criterion: the cumulative transfer including the proposed amount, in all cases, is less than five percent (5%) of the unimpacted Ninety-five Percent (95%) Exceedance Flow as measured at an appropriate point of the Donor Basin river or tributary

- This will also apply to any direct river withdrawal interbasin transfer
Insignificance

- Transfers mainly impacting a lake or reservoir
  - Provide the drainage area of the impacted water body
  - New Criteria:
    - Transfer must be
      - less than 5% of drought year inflow (annualized Q90), and
      - less than 1% of annual rainfall on drainage area
      - Where appropriate, flow augmentation and/or protection measures will be considered.
3. Option for Smaller Transfers ($\leq 10,000$ gpd) Under Insignificance

- Transfers of $\leq 10,000$ gpd can be found insignificant based on the following information:
  - Major River Basin
  - Any potentially affected water bodies
  - Any special resource values
  - Any communities, sections of communities, water district(s) or sewer district(s) involved or impacted
  - And the wastewater discharge point;

- If the WRC cannot determine, based on this information, that the project is insignificant, further review **will** be required.
4. Regional Water Supply Approval Process

- Allows Regional Water Suppliers to receive approval of Donor Basin Criteria before identifying all customers
  - Single Donor Basin portion of the application eliminates duplicate future applications
  - 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
## Regional Water Supply Approval Process Criteria for Donor and Receiving Basins

<table>
<thead>
<tr>
<th>DONOR BASIN</th>
<th>RECEIVING AREA</th>
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<tbody>
<tr>
<td>• MEPA Compliance</td>
<td>• MEPA Compliance</td>
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<tr>
<td>• Reasonable Instream Flow</td>
<td>• Identify and develop all viable sources</td>
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<tr>
<td>• Pumping Test (if a Groundwater Source)</td>
<td>• Water Conservation</td>
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<tr>
<td>• Cumulative Impacts</td>
<td>• Comprehensive forestry management program</td>
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Regional Water Supply Approval

- **Time Limit for Use of Approved Donor Basin Volume**

  **Ten Years:**
  - File a report describing any changes to Donor Basin criteria that may have occurred since the original Decision
  - If the Commission takes no action on the report within six months of receipt, the original approval continues
  - If the Commission determines that conditions in the Donor Basin have changed the approval of the Donor Basin portion of the application for the unallocated portion of water will be revised

  **Twenty Years:**
  - Approval of any unallocated water expires
5. Eliminated the Requirement for a Local Water Resources Management Plan for Transfers for Approval

- Plans are redundant with other planning efforts being undertaken by water suppliers
- Information required by the plans is generally supplied in the EIR, which the WRC uses as the ITA application
- Replaced with information requested under Description of the Proposed Interbasin Transfer: “an evaluation of how it (the transfer) supports the long-range water resources planning of the applicant”
6. Specified Analyses and Other Requirements for Wastewater Transfers

- Incorporated 1987 guidance
  - Added to definition of "Receiving Area": (Area whose wastewater is collected for discharge out of basin)
  - Added to definition of "Viable Sources": (Alternatives which can treat, reuse, and/or discharge wastewater within the basin of origin)
- Requires data specific to wastewater
7. River Basins

Split the South Coastal Basin into two (2) basins:

- North and South Rivers Basins
- South Coastal Shore Basin

Split Boston Harbor into three (3) basins:

- Mystic River Basin
- Neponset River Basin
- Weymouth and Weir Rivers Basin
Questions?