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\textsuperscript{st} 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 ≤ 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 ≤ 10,000 gpd
Insignificance – Streamflow Criteria

- Criteria for transfers impacting streams
  - Updated metrics based on 21st 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 ≤ 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
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 sewered
  ➢ 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
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Questions?