Interbasin Transfer Act
Proposed Regulation Revisions
313 CMR 4.00

MASSACHUSETTS WATER RESOURCES
COMMISSION
OCTOBER 13, 2016
Goals of Revision

Goals

1) Incorporate ITA policies adopted by WRC over the years
2) Incorporate 21st century water resources science
3) Streamline procedures
4) Clarify terms and improve organization
Overview of Major Changes

- Specified Process for Wastewater Transfers
- Updated Insignificance Criteria (revised streamflow metrics and added lakes/impoundments metrics)
- Added Streamlined Option for Transfers $\leq 10,000$ gpd
- Added a Regional Water Supply Approval Process
- Revised Approach to Local Water Resources Planning Requirements
If WRC votes today to release revisions for public comment:

- WRC review and vote
- Administrative review
- Promulgation
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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 $\leq 10,000$ 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
Local Water Resources Management Plan

- 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