

Public Process for the Classification of Unassessed Basins Using the Interim Stress Designation Methodology

Background

At its July 14, 2005 meeting the WRC requested that Staff develop a public process for gathering and including comments on future classifications of the interim stress level of unassessed basins. Staff has based the following process on the Interbasin Transfer Act public notification and comment process. Staff will continue to use the interim methodology approved by the WRC in its December 2001 report, "Stressed Basins in Massachusetts", or any subsequent updates to that methodology, as the basis for recommending stress designation in unassessed basins, until such time as the WRC develops and implements a new stress classification strategy.

The purpose of the attached document, therefore, is to clarify the process for including public comment in the Commission's review of requests to classify a river basin not currently classified in the Interim Stressed Basin methodology.

The main focus of public comments should be the materials presented in support or opposition to the proposed stress designation, although consideration will be given to public comments that relate to the methodology itself. It is expected that these comments on the methodology will be considered, if appropriate, in the new methodology being developed for future Stressed Basins classification in Massachusetts.

November 10, 2005

Public Process for the Classification of Unassessed Basins using the Interim Stress Designation Methodology

A. Environmental Monitor Notice of Receipt of the Request

1. Upon receipt of a request to classify a basin, staff will place a notice in the Environmental Monitor. This notice will contain information concerning where copies of the application can be obtained and the applicant's contact information, for any questions concerning the request.
2. The Environmental Monitor notice will also contain the date of the Commission meeting where the applicant will present its request to the Commission for consideration. Following this presentation, a 30-day comment period on the proposal will begin. The notice will contain the address where public comment can be directed.
3. The applicant must coordinate with WRC Staff to develop this notice.

B. Applicant's Obligations

1. The applicant shall send a copy of the notice placed in the Environmental Monitor to municipal water suppliers, Water Management Act registrants and permittees, Conservation Commissioners and local watershed organizations¹ in the affected basin or subbasin as well as the chief municipal officials in the affected basin. The applicant will coordinate with DEP to obtain the names and addresses of Water Management Act registrants and permittees.
2. This notice must be mailed by the applicant, at the applicant's expense, by certified mail, return receipt, to all parties designated in B.1 above. The return receipts are to be submitted to WRC staff no later than 10 days before the WRC meeting at which the application will be discussed. Failure to supply WRC staff with proof of notification to each designated party by 10 days prior to the meeting will nullify the request and the item will be removed from the agenda. The applicant could begin the entire process again and resubmit a request for classification for a future date with no prejudice.
3. The applicant may be required to send courtesy copies of this notice to other parties that the WRC or Staff deem necessary.
4. The applicant will provide copies of the request for classification to all chief municipal officials, municipal water suppliers, Water Management Act registrants and permittees, Conservation Commissioners and watershed organizations in the basin, as well as any other parties requesting copies or whom the WRC or Staff deem necessary. As with copies of the notice, the request must be mailed by the applicant at the applicant's expense by certified mail. The return receipts are to be submitted to WRC staff no later than 10 days before the WRC meeting at which the application will be discussed. Failure to supply WRC staff with proof of

¹ The applicant, working with WRC Staff, will make its best effort to determine all entities needing to be notified. The failure of the applicant to include any organization would not be cause to change the date of the presentation or any of the deadlines that are triggered by the presentation date.

notification to each party designated in this section by 10 days prior to the meeting will nullify the request and the item will be removed from the agenda.

C. Staff's Duties

1. Staff will receive comments on the proposal and make every effort to prepare a recommendation on the classification of the basin within 120 days of the applicant's presentation, given consideration of its required work load. Staff may extend this 120 day time frame, if required by the demands of regulatory obligations or other duties.
2. Staff will send the Staff Recommendation and public comment in advance to the WRC, to those submitting comments and to the affected communities, including all chief municipal officials, municipal water suppliers, Water Management Act registrants and permittees, Conservation Commissions and previously identified watershed organizations at least 10 days prior to the WRC meeting at which it will be discussed.
3. Staff will present the recommendation to the WRC for discussion at this meeting.

D. Public Comment on the Staff Recommendation

1. Included with the Staff Recommendation will be a notice of an additional 14-day comment period on the Staff Recommendation. Staff will place this notice in the Environmental Monitor in advance of the Commission meeting at which the Staff Recommendation is discussed.
2. Staff will consider comments made on the Staff Recommendation and make modifications or incorporate comments as appropriate.

E. WRC Action

1. At a subsequent meeting, the Water Resources Commission will vote on the classification request, taking into consideration the staff recommendation, comments, and response to comments. Staff will send notice of this meeting to water suppliers, Water Management Act registrants and permittees, chief municipal officials in the affected basins, Conservation Commissioners and previously contacted watershed organizations in the affected basin or subbasin at least 10 days in advance of this meeting.