The Interbasin Transfer Act requires that certain measures “have been” implemented before a transfer can be approved.

WRC was sued for allowing (as a condition of the approval) certain measures for compliance with the criteria to be implemented after approval. Plaintiffs also argued that the Act requires a “higher bar” for ITA approval.

Not always possible to fully comply with all criteria prior to approval.

Out of court settlement resulted in development of Performance Standards in 1999, with inclusion of the “higher bar”
PERFORMANCE STANDARDS

- Approved in 1999 with a 2 year transition period
- Meant to be “Rebuttable Presumptions” i.e. if an applicant could demonstrate they were meeting the criteria in other ways, the Commission could accept this
- No specific Performance Standards for “Reasonable Instream Flow” or “Cumulative Impacts” Criteria - These are evaluated on a case-by-case basis
- Apply only to a Full ITA review (not applicable to a Request for Determination of Insignificance)
Since 1999 ...

- Improvements in Water Conservation Technology
- Updated the MA Water Conservation Standards
- Revision of ITA Regulations
- Improved Environmental Science
HENCE, THE UPDATE OF THE PERFORMANCE STANDARDS
WHAT’S NEW

- Adding a section for a Regional Supply System (Donor and Receiving)
- Updating to reflect revised ITA Regulations and Water Conservation Standards
- Eliminating Local Water Resources Management Plan Standards
- Updating Guidance on Development of Rate Structures Which Encourage Water Conservation
- (No substantive changes to the Wastewater Transfer section)
MOST SPECIFIC CHANGES ARE TO THE WATER CONSERVATION SECTION

- RGPCD: Still states that if Standard is not met, applicant should be implementing a comprehensive residential water conservation program (i.e. the application WON’T be denied) but we are considering reducing the goal (currently at 65)
- Eliminate 10% unaccounted-for water standard, but require a that a comprehensive water loss control program be in place
- Monthly billing (rather than quarterly)
QUESTIONS AND DISCUSSION