Interbasin Transfer Act Process

For Joining the MWRA Water Works System
Assumption

- This process is based on a full Interbasin Transfer Act Review
First Step

- Meet with Water Resources Commission Staff in DCR’s Office of Water Resources!
- What is the **maximum** amount to be transferred?
Second Step

- Check in with MEPA
  - A full ITA review triggers an EIR
  - WRC uses EIR as IBT application
  - WRC Staff will provide Scope for issues to be addressed in the EIR for Interbasin Transfer Act
  - Determine if any other issues need to be addressed under MEPA and the scope for addressing those
Third Step

- Develop EIR
- WRC Staff can review draft version of the IBT sections to informally advise if all needed information is being provided
- **NOTE**: MWRA will provide data for the hydrologic analyses
EIR Formally Submitted to MEPA

- WRC Staff begins review and uses MEPA process to request any information still needed
- Proponent is strongly urged to respond to all requests for additional information through the MEPA process
- Once final MEPA certificate is issued, and all requests for information have been addressed, WRC accepts IBT application as complete
- Formal IBT public hearing and decision making process begins
Formal IBT Process

- Staff review can be concurrent with MEPA process and will be completed after:
  - MEPA Certificate has been issued
  - Two public hearings, required by law, are completed

- WRC makes a decision after the completion of the public hearings
Public Hearings

• Held after MEPA process is complete
• One held in donor community, one in receiving community
• The regulations require hearings to be held within sixty (60) days after WRC accepts the application as complete, but not before twenty-one (21) days after the notice is published in Environmental Monitor
• Third public hearing on Staff Recommendation, held within 2 weeks of the Staff Recommendation presentation at a regularly scheduled WRC meeting
Decision Process

- Staff evaluates the application against the applicable criteria of the Act and Regulations. For MWRA admission, these are:
  - MEPA compliance
  - Determination that there are no viable in-basin sources of water supply
  - Water conservation measures have been taken
  - If existing in-basin sources are surface water sources, proponent has a forestry management program
  - Reasonable instream flow is maintained in the donor basin (MWRA provides technical information for this analysis)
  - Proponent has or is developing a local water resources management plan
  - The Commission considers cumulative impacts on the donor basin source (MWRA provides technical information for this analysis)
Timeline

- Two public hearings held within 60 days of complete application (after the close of MEPA)
- Within 2-3 weeks following public hearings, a Staff Recommendation is given to the WRC
- Within 2 weeks of the Staff Recommendation, a third public hearing is held
- Within 60 days of this public hearing, WRC must make a decision to approve or deny application
- Review period can only be extended by written consent of both WRC and proponent
Actual Time for Decisions

- Where no extensions have been requested by either parties, average time from complete application to WRC Decision has been 3.36 months

- Where extensions have been requested, average time from complete application to WRC Decision has been 4.5 months

- Range has been from 3 months (no extension) to 8 months (multiple extensions requested by the proponent)
Application Material

- EIR Scope for Communities Seeking Approval Under the Interbasin Transfer Act to Join the MWRA
- Interbasin Transfer Act Guide Book
- Performance Standards Guidance Document
- Massachusetts Water Conservation Standards

All are available from
http://www.mass.gov/dcr/watersupply/intbasin/download.htm
Approved IBT Applications to Join the MWRA

- Bedford 1992
- Stoughton 2002
- Reading 2007
- Wilmington 2007

NO IBT REQUESTS TO JOIN THE MWRA HAVE BEEN DENIED!
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ANY QUESTIONS?