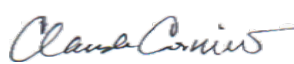




Emergency Water Supply Withdrawals

Policy #: OP.05

Effective Date: August 27, 1986	Last Revised: 4/17/2007
Contact: Planning Department, Executive Office	Former Policy #: P.II.K.2
Reviewed by Chief Operating Officer: David Coppes 	Date: 5/1/25
Reviewed by Internal Audit: Claude Cormier 	Date: 5/1/25
Approved by Executive Director: Frederick A. Laskey 	Date: 5/8/25

Purpose This policy explains the criteria and process the MWRA will use to evaluate a request from a non-MWRA water system community for emergency withdrawals of water. This Document replaces the policy entitled "Emergency Water Supply Withdrawals" effective on April 17, 2007.

Eligibility This policy applies to communities outside MWRA's water service area that are seeking water service on an emergency basis.

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Emergency Water Supply Withdrawals (OP.05), continued

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Emergency Withdrawal Criteria

The following findings must be made by MWRA to approve requests from communities outside the MWRA waterworks system for emergency water supply withdrawals exceeding sixty (60) calendar days. For emergency water supply withdrawals of water for periods of sixty (60) calendar days or less, refer to the "Short Term Approvals" section of this policy:

- The DEP has declared that an emergency exists. MWRA will only provide the minimum amount of water necessary based on findings that the community requesting the emergency connection has:
 - Utilized and will utilize all feasible non-MWRA sources of supply for the duration of the emergency;
 - Taken and will take all feasible steps to both minimize its demand on the MWRA system and the duration of the emergency.
- Supply of emergency water to communities or users not listed in Section 8 (d) of the MWRA Enabling Act will strive for no negative impact on the interests of current communities, water quality, hydraulic performance of the MWRA water system, or the environment, or the interests of the watershed communities; shall attempt to achieve economic benefit for existing user communities; and shall preserve the rights of existing member communities. Any evaluation of the impacts of emergency withdrawals shall clearly evaluate all changes to system reliability.
- Long-term plans to remedy supply deficiencies have been developed. This may include improved water conservation, new local or regional supplies of water, changes to water treatment, or application for admission to the MWRA water system for legitimate water needs beyond feasible local sources.
- The applicant community does not use MWRA water supply as a chronic emergency back-up supply without equitable contribution for the fair asset value of the MWRA waterworks system.

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Emergency Water Supply Withdrawals (OP.05), continued

Application Process

Applications for emergency water supply withdrawals shall be submitted to the Executive Director of the MWRA. In instances where MWRA Advisory Board approval is also required (for the second emergency withdrawal period and beyond), applications should be simultaneously submitted to the Executive Director of the MWRA Advisory Board.

A. Application

MWRA staff will review and evaluate the application to determine the impacts of the emergency water connection on the MWRA water supply system. Applications for emergency water supply withdrawals will be considered for the duration of the emergency only, upon satisfactory completion of the requirements listed below.

B. Requirements

- The Department of Environmental Protection ("DEP") must declare that a water supply emergency exists. Copies of the emergency declaration and any orders issued by DEP to the community under M.G.L. c. 21G and any correspondence relative thereto must be submitted with the application.
- The community must provide evidence that a supply shortfall or disruption exists, provide reasons for the supply request, and document the amount of emergency supply requested, including, as appropriate:
 - a. Safe yield, DEP registration and permitted withdrawals under the Water Management Act of available supplies. Average and maximum daily consumption for past three years on a monthly basis.
 - b. Storage levels in reservoir or tanks (by elevation and volume).

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Emergency Water Supply Withdrawals (OP.05), continued

Application Process, continued

- c. Estimate of days of supply remaining assuming drought, average and wet year runoff.
 - d. Safe yield of supplies lost to contamination.
 - e. Minimum allowable reservoir elevations (i) to keep intake flowing, (ii) for water quality, and (iii) for environmental requirements.
 - f. Minimum ground water levels for well supplies.
 - g. Other explanations of need for amount requested.
- The community must estimate the duration of the emergency during which it will need MWRA water.
 - a). For drought situations, length of time needed to recharge supplies assuming average rainfall.
 - b). For contamination: estimate of time for new sources or other corrective measures.
 - c). For equipment or facility failure: time to replace or repair or rectify situation
- The community must describe all feasible non-MWRA emergency supply investigations and present plans for implementing them or reasons for rejecting them.
- The community must submit its long-range plans for correcting supply deficiencies and must demonstrate that it has developed or has plans to develop or restore all economically and technically feasible local sources. The plans shall include a description of funding sources and an implementation schedule.

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Emergency Water Supply Withdrawals (OP.05), continued

Application Process, continued

- For communities seeking a fifth emergency water supply withdrawal period, the community must submit a report with substantive detail delineating the community's long range plans and progress towards correcting supply deficiencies, plans to restore all economically and technically feasible local sources, and a detailed description of community based water conservation and accountability programs.
- The community must give sufficient data for hydraulic analysis by the MWRA including: local system operating pressures, pipe schematics of local system, and proposed location of emergency connection.
- The community must submit for approval a proposed inter-municipal agreement with a MWRA user community (the "transporting community") for payment of water, if the emergency water supply withdrawal is not directly from the MWRA system. This agreement shall provide for reasonable resale pricing by the transporting community, sufficient to recover costs including recovery of MWRA prevailing rate charges for water supplied on an emergency basis, use of the distribution system and legitimate local expenses only. The MWRA will directly charge the receiving community for premium charges and asset value contributions described in the "Charges" section of this policy. If the MWRA is unable to apply these charges directly to the receiving community, then the charges will be applied through the transporting community.

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Emergency Water Supply Withdrawals (OP.05), continued

Application Process, continued

- The community must submit a detailed description of water conservation and water accountability programs undertaken by the community or private entities including:

- Leak detection and repair
 - Commercial and industrial water conservation
 - Residential water conservation efforts
 - Large meter downsizing
 - Meter replacement
 - Municipal facility conservation
 - Unaccounted-for water analysis
 - True- cost pricing and conservation-based pricing for water and sewer services
 - Outdoor water restrictions
 - Water supply protection measures

- The community must provide evidence that it has complied, or is in the process of complying, with applicable MEPA requirements.

C. Review of Application

Upon receipt of the community's application for an emergency water supply withdrawal, the MWRA will:

- Review the applicant's document to help determine if the MWRA can make the findings listed in Emergency Withdrawal Approval Criteria.

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Emergency Water Supply Withdrawals (OP.05), continued

Application Process continued

- Determine the impact of the proposed emergency water supply withdrawal on the MWRA's water supply system status and its ability to supply existing users. The assessment will include the possibility of increased usage of MWRA supplies by partially supplied and non-MWRA communities due to drought conditions. Impacts to service to other community connections under various hydraulic conditions will also be evaluated.
- Upon the request of the applicant, and subsequent to the completion of application review by MWRA staff and following consultation with the Advisory Board, MWRA staff will submit a status report and recommendation to the Board of Directors to inform it of the request, staff's review and the status of other pending permits and approvals.

Emergency Water Agreement

If MWRA approves the request for an emergency water supply withdrawal, it will establish appropriate terms and conditions of service in the form of an Emergency Water Supply Agreement.

A. Conditions

MWRA's approval of an emergency water supply withdrawal, including any applicable conditions of such approval, shall be set forth in an agreement with the community that shall contain the following terms as appropriate:

- Firm limits on average and/or maximum daily use, or time of day use, of MWRA water. A requirement in Emergency Water Supply Agreements for the second and subsequent six-month periods is that any increase beyond the stated limits on water use will require a recalculation of the asset value contribution payment (see the "Charges" section of this policy).

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Emergency Water Supply Withdrawals (OP.05), continued

Emergency water Agreement, continued

- A requirement that the community assumes all costs of connection and installs a suitable meter. The community must meter all water transfers to its distribution system whether connecting directly to the MWRA water system or receiving MWRA water through another community system rather than directly from MWRA.
- A requirement that the community shall use all feasible non-MWRA sources for the duration of the emergency.
- A requirement that the community shall submit a quarterly report on water usage, conservation program results, and status of emergency situation.
- A requirement that the community shall institute and continue all practical conservation measures including, but not limited to, the following:
 - a) For initial agreements for withdrawal up to six months: a water conservation public education program
 - b) For agreements for the second and subsequent six month periods: implementation of leak detection surveys and rehabilitation programs, 100% metering, a meter replacement program, pressure reductions where possible, implementation of true cost pricing and conservation-based pricing for water and sewer services, and a contingency plan describing how demand will be decreased if the local supply situation continues to deteriorate.
- The right of MWRA to terminate approval under unforeseen circumstances such as inadequate supply, insufficient hydraulic capacity, and other such conditions relating to the safe supply of existing users and operational requirements of the waterworks system.
- Other conditions as may be appropriate.

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Emergency Water Supply Withdrawals (OP.05), continued

Emergency Water Agreement, continued

B. Approval Term

The MWRA may approve emergency water supply withdrawals for no more than six months at a time. Each Emergency Water Supply Agreement will be no longer than six months. Emergency withdrawals beyond six months will require a new application and Emergency Water Supply Agreement. The MWRA Advisory Board must also approve emergency withdrawals for the second emergency withdrawal period and beyond. Advisory Board approval should be obtained prior to MWRA's approval. In considering withdrawals beyond six months, the MWRA will consider the applicant's efforts to reduce consumption, to implement its long- range plans and comply with DEP orders, and to implement water conservation program and water supply protection measures. The MWRA will also consider the impacts on MWRA's water supply system and its ability to supply existing users, and factors listed in the "Review of Application" section above.

Waivers

The MWRA may, in its discretion, waive any of the conditions or requirements set forth in this Policy and Procedure, not otherwise mandated by law or regulation, if it finds that the community has demonstrated unusual factors or extraordinary circumstances which would make imposition of the condition or requirement upon that community unfair or inappropriate and that the proposed action will not jeopardize the MWRA's ability to supply its existing water communities. Charges outlined in the section below will not be waived.

Charges

MWRA has adopted a rate structure for emergency water supply withdrawals that includes a premium charge added to the MWRA prevailing rate that shall apply to all emergency water connections, regardless of the nature of the emergency. Beginning with the first water withdrawal period after the effective date of this Policy, the premium charge shall be 10% of the MWRA's prevailing rate. Beginning with the second water withdrawal period, MWRA shall also assess an asset value contribution charge. Charges shall increase for additional periods of water withdrawal. Attachment A to this Policy presents a summary of charges for emergency water supply withdrawals.

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Emergency Water Supply Withdrawals (OP.05), continued

Charges, continued

For the purpose of this Emergency Water Supply Withdrawal Policy, a "period" is typically defined as one six-month Emergency Supply Agreement. Any six-month Emergency Water Supply Agreement between a community and the MWRA shall be counted as a "period". If there are repeated short-term withdrawals of sixty (60) calendar days or less, MWRA reserves the right to assess the same premium charges as are applied to six-month emergency water supply agreements. Rules governing premium charges and asset value contribution are only invoked when water is transferred from the MWRA to the Applicant community. The transfer of water from the MWRA to the applicant community serves as a trigger to initiate the corresponding premium charge and asset value contribution. Periods when there is no water withdrawal shall have no effect on the schedule of charges. Payment for emergency water supply withdrawals from the MWRA waterworks system shall be made by the user community on a monthly basis, unless otherwise specified.

If an applicant has purchased MWRA water under an emergency supply agreement and has paid charges that include an asset value contribution and subsequently is approved admission to the water system on a permanent basis, the asset value contributions paid will be treated as credits against the total entrance fee. Payments of premium charges under an emergency supply agreement are not credited towards the entrance fee.

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Emergency Water Supply Withdrawals (OP.05), continued

Short-term Approvals

The Executive Director, the Chief Operating Officer, or the Deputy Chief Operating Officer are authorized to approve the emergency use of MWRA water through an existing or temporary connection to the MWRA or a MWRA water system community by a non-MWRA water system or facility for a period not to exceed sixty (60) calendar days for any specific approval. A DEP declaration of water supply emergency in the requesting community, or alternatively, submission by the community of documentation supporting the existence of conditions that could lead to a DEP declaration of water supply emergency per M.G.L. c.21G, § 15, is required for these emergency situations. Approval shall only be granted based on emergencies of non-chronic nature, such as supply and transmission disruptions. Such approval, if granted, shall be consistent with this Policy to the maximum extent feasible in the situation. The community must provide an initial written statement requesting emergency water supply, describe the situation, and present a plan for resolving it. The Board of Directors shall be notified of approvals granted under this paragraph. At the end of the temporary use, the community must provide a follow-up letter documenting how much water was purchased from MWRA or MWRA water system community, and how the situation was resolved.

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ATTACHMENT A

MWRA Charges for Emergency Water Withdrawals

Emergency Supply Agreement Period One:

- 110% of the MWRA prevailing rate

Emergency Supply Agreement Period Two:

- 110% of the MWRA prevailing rate plus,
- 110% of 1/3 of the annual payment associated with asset value contribution payment (as calculated pursuant to methodology described below) amortized with interest over 15 years.

Emergency Supply Agreement Period Three:

- 110% of the MWRA prevailing rate plus,
- 110% of 2/3 of the annual payment associated with asset value contribution payment (entrance fee equivalent as calculated pursuant to methodology described below) amortized with interest over 15 years.

Emergency Supply Agreement Period Four:

- 110% of the MWRA prevailing rate plus,
- 110% of the annual payment associated with the asset value contribution payment (as calculated pursuant to methodology described below) amortized with interest over 15 years

Emergency Supply Agreement Periods Five to Seven:

- 130% of the MWRA prevailing rate plus,
- 130% of the annual payment associated with the asset value contribution payment (as calculated pursuant to methodology described below) amortized with interest over 15 years

Note: Premium charges shall increase by 10% for each subsequent three emergency supply agreement periods beginning with period eight (e.g., the premium charges for period 8-10 premium charge would be 140%; the premium charges for periods 11-13 would be 150%, and the premium charge for periods 14-16 would be 160%, etc).

The asset value contribution is based on the following basic formula:

$$\frac{\text{Emergency user's projected MWRA water needs}}{\text{MWRA system water consumption (withdrawals for most recent 3 years)}} \times \text{Net Asset Value of Waterworks System}$$

If an applicant has purchased MWRA water under an emergency supply agreement and has paid charges that include an asset value contribution and subsequently is approved admission to the water system on a permanent basis, the asset value contributions paid will be treated as credits against the total entrance fee. Payments of premium charges under an emergency supply agreement are not credited towards the entrance fee.