

Interbasin Transfer Act



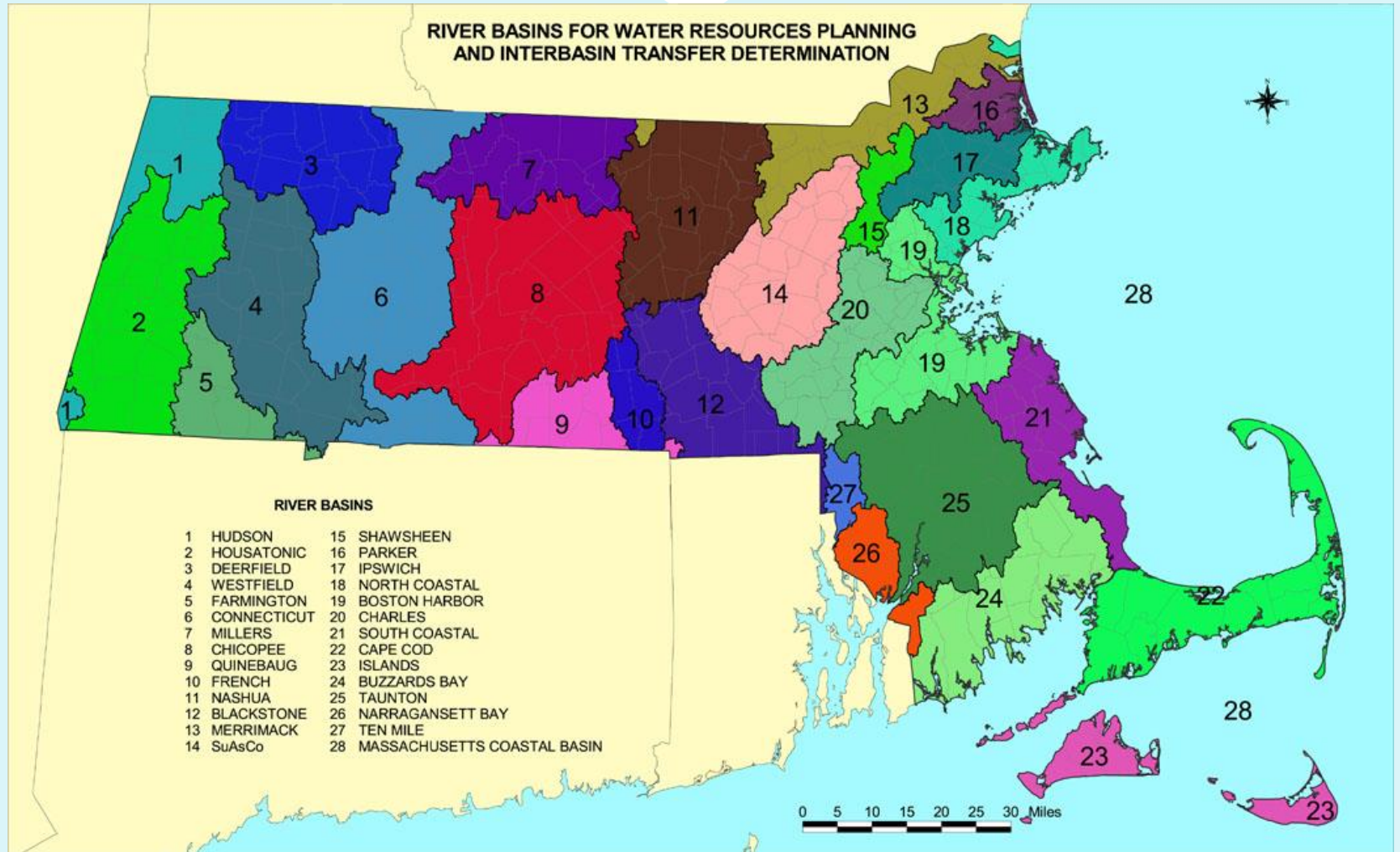
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Background



- The Interbasin Transfer Act became effective in March 1984
- It applies to *ALL* transfers of water and wastewater
- It is administered by the Massachusetts Water Resources Commission (WRC)
- The Department of Conservation and Recreation (DCR) Office of Water Resources, staff to the WRC, provides the technical and administrative work on the Act for the WRC

The 28 River Basins of the Commonwealth of Massachusetts



Frequently Asked Questions



Are transfers prohibited under the ITA?

- *No!* The ITA does *NOT* prohibit interbasin transfers, *but*:
- It does require that rigorous criteria are met *BEFORE* allowing a transfer

What is the threshold amount for review?

- There is *NO* threshold amount for regulatory review. All transfers require review and approval.

When do ITA permits expire?

- The Act is *NOT* a permitting program, it is a one-time approval process. There is *NO* expiration date.

What Triggers the Act?



- Any proposed action that increases the Present Rate of Interbasin Transfer, such as:
 - A new water supply source which will be transferred out of basin as either water supply or wastewater
 - Enlargement of an existing transfer system through the addition of larger pumps or pipes
 - Changes in the operating rules of a transfer system that cause more water to be transferred (e.g., addition of a new community to a regional water supply system which has sources in a different basin)

Types of Transfers



- 1. WATER SUPPLY**
- 2. WASTEWATER**
- 3. WASTEWATER TRIGGERED BY THE DEVELOPMENT OF A WATER SUPPLY SOURCE**

Water Supply Transfer



- Water supply source is located in a separate river basin *and* community from where it's being used
- Water transferred from this source will not be returned to its basin of origin for discharge
- Example: MWRA Water Supply system

Wastewater Transfer



- Use of a wastewater system which collects wastewater from one basin *and* community then discharges to a different basin and community. For example:
 - Building a new wastewater collection system in an area previously served by septic systems and discharging out of town/basin
 - Enlargement of an existing wastewater system to accommodate more flow

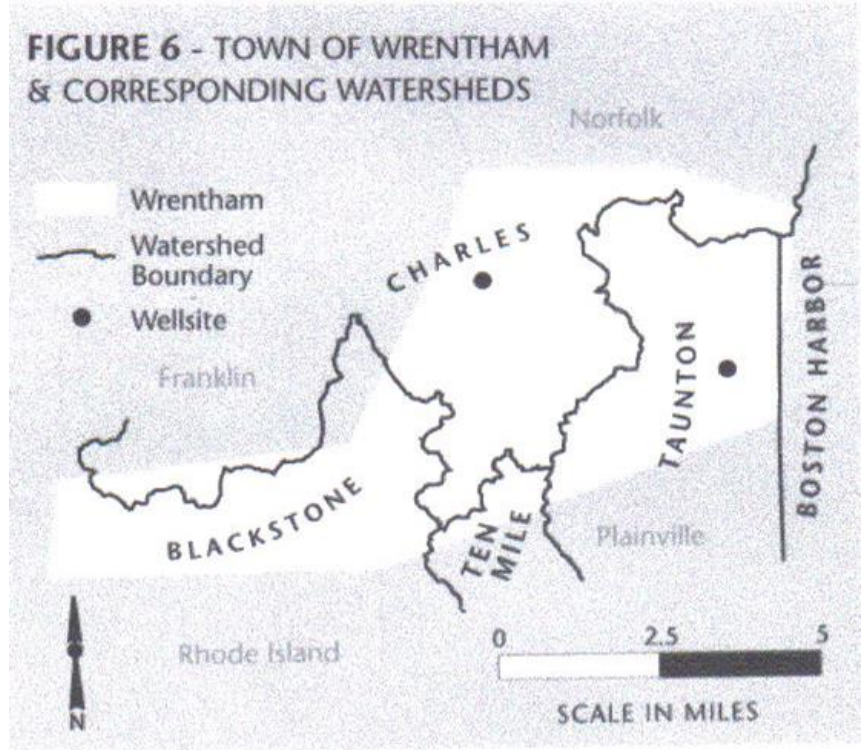
Wastewater Transfer Triggered by The Development of a Water Supply Source



- A new water source is developed in a community which has a wastewater system with a discharge point in a different basin and community.
- Water from this source will not be returned to its basin of origin.
- Even if the wastewater capacity is not changing, increasing the in-basin water supply capacity increases the “ability” to transfer water from the donor basin, requiring review before the transfer can be allowed.

Exemptions

- Existing systems
- Intra-town transfers
- Replacement of existing sources with sources of the same capacity



Other Exemptions



- Reactivation of unused but not decommissioned sources
- Sources developed solely to provide redundancy
- Addition of individual connections, as long as the original capacity of the system is not increased
- Increases in a WMA permit that do not require an increase in source capacity
- Emergency connections authorized by DEP

Levels of Review



1. Applicability
2. Insignificance
3. Approval

Determination of Applicability



- Formal review process to assess if a project is subject to the Interbasin Transfer Act
- However, some inquiries can be handled on the staff level
- 90-day timeline for formal process

Determination of Insignificance



- Based on the environmental impacts of transfers less than 1 MGD
- Formal process
- 90-day timeline for a determination
- Criteria for Insignificance include (but not limited to):
 - A low flow streamflow protection (must be less than 5% of the 95% exceedance flow)
 - Consideration of any “special resource values”
 - Consideration of the cumulative impacts of the transfer

Determination of Insignificance



- If a project is determined to be “insignificant”, there is no need for further review under the ITA.
- Some transfers of less than 1 MGD could potentially have significant environmental impacts
- A negative Determination of Insignificance is *NOT* a “No”
- The project might be able to be approved under a full application

Application for Approval



- Criteria that must be met (although not all of them may be applicable to each project)
 - Completion of the MEPA Process
 - All viable in-basin sources must have been developed or ruled out as not viable
 - All practical water conservation measures must have been implemented
 - For existing surface water sources, a forestry management program must have been implemented in the receiving basin
 - Reasonable instream flow in the donor basin must be maintained
 - For groundwater transfers, a pumping test must be conducted and provided with the application
 - Cumulative impacts must be considered

Application for Approval



- These criteria should be met *BEFORE* applying for ITA approval!

How to Know What the Commission Expects?



- Staff are available at any point (the earlier the better!) to provide guidance
- The WRC developed Performance Standards to outline how a proponent should address each criterion
- The Performance Standards only apply to a full application for approval

Application for Approval Process



- A full application for approval under the ITA triggers an EIR under the MEPA process
- The WRC has developed Scopes to address ITA issues through the EIR process
- The Act and regulations require that the MEPA process be completed *BEFORE* the WRC can hold public hearings or make a decision on an application for approval

Timelines for an Application for Approval



- The WRC must accept the application as complete
- The WRC then has 60 days to hold 2 public hearings, one in the donor basin and one in the receiving community (or, on Zoom)
- Staff recommendation to approve or deny the application made at next possible WRC meeting
- Within 2 weeks of Staff Recommendation presentation, an additional public hearing is held.
- A decision **MUST** be made within 60 days following the close of the final public hearing.

Staff Contact



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<https://www.mass.gov/interbasin-transfer-act>