

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?