



**WATER SUPPLY CITIZENS  
ADVISORY COMMITTEE**  
to the Mass. Water Resources Authority

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December 23, 2016

Vandana Rao  
Assistant Director of Water Policy  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Re: Proposed Revisions to the Interbasin Transfer Act-313 CMR 4.00

Dear Ms. Rao:

Originally formed in 1977, the Water Supply Citizens Advisory Committee (WSCAC) advises the Massachusetts Water Resources Authority (MWRA) and the Massachusetts Department of Conservation and Recreation (DCR) on water conservation and watershed protection strategies.

The Interbasin Transfer Act of 1983 (IBTA) is one of our focus areas, given the key role that MWRA plays in transferring water out of the Chicopee and Nashua basins to the Boston metropolitan area. We have been actively following and commenting on the current changes to the IBTA regulations since they were first proposed in early 2014 and appreciate that the Water Resources Commission (WRC) has made several changes to the current draft changes based on input from WSCAC.

Looking at a broader and relevant perspective, we note that the 2004 *Massachusetts Water Policy* adopted the following environmental principles:

- Keep water local and seek to have municipalities live within their water budgets by addressing issues from a watershed perspective
- Protect clean water and restore impaired waters
- Protect and restore fish and wildlife habitat
- Promote development strategies consistent with sustainable water resource management

The Interbasin Transfer Act is an important tool that addresses the above principles and can ensure that these principles remain integrated into the protection and sustainability of our water resources.

WSCAC submits the following comments and recommendations:

We recommend that the Sustainable Water Management Initiative (SWMI) science be included in the information required to act upon a Request for Determination of Applicability and for a Determination of Insignificance. In addition we recommend that the WRC review conditions at the sub-basin level to access potential damage to aquatic habitat and on low and/or altered streamflow conditions.

### **3. Insignificance review for smaller transfers:**

WSCAC comment: We understand the basis for streamlining transfers at or under 10,000 gpd and appreciate the language that the WRC may request additional requirements if further analysis is required. However, we request that the WRC not relax existing procedures given the evolving nature and effects of climate change, the present drought, and the current integration of SWMI criteria into Water Management Act permit renewals.

### **4. Regional water supply approval process:**

WSCAC comment: WSCAC wrote a letter in April 2010 to the MWRA Board of Directors in response to the March 2010 Consensus Building Institute meeting on expansion of the MWRA water system. At that time, we indicated our support for a one-time donor basin EIR that is reviewed after 5 years to account for potential environmental and operational changes within the MWRA water system. We do not support the proposed 20-year approval time frame in the current IBTA draft regulations. In fact, several things have happened since 2010 that lead WSCAC to believe that a streamlined approach is unnecessary at this point for the following reasons:

- No new communities have requested admission to the MWRA since 2009 when Wilmington joined as a partially served community due to contamination of local wells.
- The roadblock to joining the MWRA water system is a financial one, not the IBTA and MEPA process. This fact was addressed in 2014 by the MWRA Board of Directors with the Advisory Board's recommendation for a 25-year, interest-free payment plan for the entrance fee with a grace period for the first three years. This would reduce communities' capital and debt service costs with entrance fee payments. The Water Infrastructure Bill enacted in 2014 also contains provisions to make connection costs eligible for SRF principal forgiveness loans, and to provide grants for 50% of the entrance fee, subject to appropriation by the legislature.

While we understand the rationale of streamlining the donor basin review process to avoid duplication and staff time, admission of new communities is rare. Other than temporary emergency withdrawals, this will most likely remain the case for the foreseeable future. We therefore see no reason to deviate from the present requirements as they are not a hardship.

Allowing a regional water supplier to hold a designated amount of water over a 20 year period with only a 10 year check-in report appears to WSCAC as a reduction in overall vigilance with respect to the emerging effects of climate change. An example of the changing environment is the ongoing drought in MA which has caused several cities and towns to request emergency water from the MWRA and for the Quabbin reservoir to drop below 80% to a "Below Normal" status. Should the drought continue through the winter, how many additional towns will find themselves in need of emergency water moving into next year's growing season? With decreased yields to Quabbin reservoir and the Ware River currently too low for MWRA to take additional water, it is difficult to know what the reservoir level will be in the spring when demand increases.

It is essential that water resources be protected and requests for transfers be held to the highest level of review. This is the purpose of the IBTA and lessening oversight and transparency in the name of streamlining is not in the public's best interest.

WSCAC recommendation: We recommend that the Commission forgo this proposed revision at this time.

##### **5. Eliminate the requirement for a local water resources management plan:**

WSCAC comment: *Massachusetts Water Policy* advocates for keeping water local. It is critical that each town protect local supplies for drinking, sanitation, fire suppression and healthy environmental conditions. To achieve this goal requires a stringent and current water resources management plan. With the evolving effects of climate change, it has never been more relevant to protect and conserve local water supplies.

The mostly inadequate local response to our extended drought underscores that most towns in the state are unprepared for assessing drought conditions and how to best address the adverse effects on their water resources. Proposing to eliminate the requirement for a *Local Water Resources Management Plan* for a town applying for an Interbasin Transfer is shortsighted. Interbasin transfers should continue to be the option of last resort and should only be used after all appropriate measures recommended in the *Massachusetts Water Conservation Standards* have been vigorously applied.

A complete water resources management plan can address the unique characteristics of a town's water resources as they relate to drinking water demands, economic growth and environmental protection. The plan should address long-range water use including drought planning with established restrictions to address non-essential water use, and private well regulation.

The IBTA under Section 8D outlines criteria necessary for towns requesting an interbasin transfer. A community's comprehensive water resources management plan should include all of these factors in addition to those noted above.

We cannot support transferring water out of basin to serve a town that has not completed an in-depth current water resources management plan. We recommend the allocation of state funds to regional planning agencies that are earmarked for the development of community water resources/drought management plans for every community. More long-range water resources planning rather than less should be done before a town requests water from out of basin.

The Global Warming Solutions Act calls for an 80% reduction in energy use. To achieve this goal requires every sector of the economy to contribute as best they can. The treatment and delivery of water is highly energy intensive. Keeping water local with a robust conservation and demand management program can reduce water-related carbon emissions and lower treatment, distribution and infrastructure costs over time.

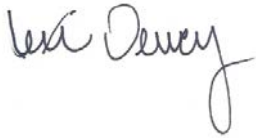
With the rising demand for ample clean water, the IBTA provides the process that ensures due diligence is done before a transfer in perpetuity takes place. While regional water systems like the MWRA have a role to play in assisting towns experiencing source contamination, emergency water

needs or communities located in designated stressed basins, all communities have an equal responsibility to protect and conserve their vital and finite water resources.

WSCAC recommendation: We request that the Commission reinstate the language requiring “that the communities and districts in the receiving area have adopted or are actively engaged in developing a local water resources management plan.”

WSCAC appreciates the opportunity to comment on the proposed revisions to the IBTA. Please contact us with any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lexi Dewey". The signature is written in black ink and is positioned above the typed name.

Lexi Dewey  
Executive Director