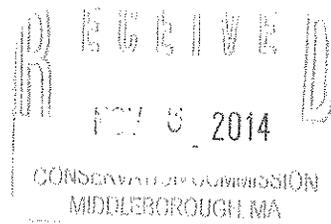


## New rules further limit local water withdrawals



October 28, 2014



The Massachusetts Water Resources Commission last week approved significant revisions to state Water Management Act regulations that incorporate new methodology for calculating a river basin's "safe yield," new biological categorizations, new streamflow criteria for water withdrawals, and new permit review categories.

The changes were based on the Patrick administration's Sustainable Water Management Initiative, which is intended to limit water withdrawals and increase volume in rivers and streams.

Under the new regulations, which become effective upon publication in the Massachusetts Register, communities seeking an increase in water withdrawals over their historic baseline will be required to mitigate the volume of the increase. Applicants seeking to withdraw from an impaired basin or a coldwater fish resource will be required to minimize the impact of the withdrawal.

Five years ago, the Executive Office of Energy and Environmental Affairs convened a stakeholder committee to advise state agencies on the development of new limits on water use. Energy and Environmental Affairs received more than 160 comments from across Massachusetts on the proposed regulations. The MMA and water suppliers expressed concerns that proposed regulations placed too much emphasis on how water withdrawals would affect fish populations and overlook the impact of impervious surfaces, dams and pollutants on aquatic habitats.

The MMA had also requested a cost-benefit analysis of the regulations, to allow communities to determine the most cost-effective approach to meeting the requirements. The MMA argued that the regulations would constitute an unfunded mandate borne almost entirely by ratepayers and taxpayers.

Cities and towns already lack adequate resources to maintain their existing water infrastructure, the MMA pointed out. By limiting water withdrawals, the proposed regulations would reduce revenue and impose additional costs on water suppliers.

In response to these concerns, the Legislature included a provision in the environmental bond act enacted this past summer giving the Legislature 30 days to review the regulations before promulgation. The regulations were submitted to the Legislature on Oct. 9, but the Water Resources Commission approved the regulations, with minimal changes, by an 8-3 vote just 12 days later, despite written requests from legislators asking for adequate time to review the regulations before the commission voted.

On Oct. 22, Sen. Richard Moore, who drafted the language in the bond bill wrote to the commission, "I am disappointed by the commission's decision to move forward with a vote on this matter without

providing the Legislature or local communities with the necessary time to carefully review the drafted regulations, which will have a profound effect on water management practices for years to come.”

Written by MMA Senior Legislative Analyst Tom Philbin