



COMMONWEALTH OF MASSACHUSETTS
THE GENERAL COURT
STATE HOUSE, BOSTON 02133-1053

September 15, 2026

The Massachusetts Water Resources Commission
100 Cambridge Street, 2nd Floor
Boston, MA 02114

Re: MWRA Regional Supplier Interbasin Transfer Act Application - Requested 20-MGD Increase

Dear Chair Tepper & Members of the Commission,

We write to urge the Water Resources Commission to reject the Massachusetts Water Resources Authority's (MWRA) application for advance donor-basin approval of an additional 20 million gallons per day and to require the MWRA and any prospective receiving communities to proceed through the ordinary, community-specific review required by the Interbasin Transfer Act. The MWRA is asking the Commission to separate approval of a massive new transfer from the demonstrated need for that water in an identified receiving area. That approach is neither compelled by the Commission's regulations nor justified by the record before it.

The Interbasin Transfer Act is structured around a proposed transfer of water from a donor basin to a receiving area. General Laws c. 21, section 8D directs the Commission to approve or disapprove a "proposed interbasin transfer" and requires findings concerning viable sources and conservation in the receiving area, environmental review of the proposed transfer, and reasonable instream flow in the donor basin. Those requirements must be taken together because the statute is clear that the Commission is to evaluate an actual transfer: a defined amount of water taken from a known source to meet a demonstrated need in a known receiving area. The statute does not authorize the creation of a freestanding bank of transferable capacity that can be approved now and matched with proposed transfers later.

The Receiving Area is clearly defined at 313 CMR 4.02 as "the area into which the water is transferred for use, and is thereby receiving the water supply service." The Commission has consistently applied that definition to the municipality or water district that will ultimately purchase and use the water. It did so for Burlington even when the initial connection passed through Lexington, for Lynnfield Center Water District even though its connection passed through Wakefield, and for Ashland when it joined the MWRA system. In each case, the ultimate municipal or district user was identified when the transfer was considered, and the receiving area criteria were applied to that user. To remove any possible ambiguity, the MWRA system infrastructure is defined as Transfer Facilities under the regulation, and could not be considered a Receiving Area.

Even with the adoption of the bifurcated regional-supplier process in 2018 through 313 CMR 4.10, there is no reasonable reading of the statute and regulations as a whole that would allow an entity to apply for only one end of the transaction. As previously referenced, the plain language of the statute and regulations necessarily requires a transfer to include a donor and a recipient. The MWRA application fails to identify the specific receiving area(s) and the quantities of water slated to be transferred among these places. The Commission cannot allow the MWRA to exploit a section of the regulation established to avoid duplicative environmental analysis to have the functional effect of rewriting the law and sidestepping the fundamental purpose of the Interbasin Transfer Act.

Even if the MWRA had taken the step of identifying the receiving area(s) and met the most basic standard of the statute, the Commission should not permit the use of the bifurcated process. The regulatory language is clear that the Commission "may allow" a regional system to separate donor basin review from receiving area review. That choice of language is decisive. The MWRA has no right to this exceptional procedure, determining the appropriate regulatory path lies squarely within the Commission's discretion. There are multiple reasons as to why the Commission should decline to allow the bifurcated process here. First among these is the novelty of the bifurcated process. Although section 4.10 has been available for more than eight years, the Commission's published decision archive identifies no previous interbasin transfer approved through the bifurcated process. Second is the size of the proposed transfer. The requested amount is more than three times the maximum volume of the largest drinking-water transfer approved during the past twenty years. Based on the Commission's published record, this would be the largest drinking-water transfer authorization it has ever considered. The test case for an experimental regulatory approach to interbasin water transfers should not be the largest and most consequential proposal since Interbasin Transfer Act was enacted in 1983.

Beyond failing to meet basic statutory thresholds and contemplating the use of an untested regulatory process for the largest transfer in the history of the Act, the application also fails to establish why the requested amount is 20mgd. Section 4.10 expressly preserves the requirements of 313 CMR 4.09(2)(b), including a detailed description of the proposed increase, the information supporting how the increase was determined, its timing and amounts, the reasons for the transfer, and its relationship to long-range planning. The MWRA's donor-basin analysis attempts to answer a different question. It argues that the reservoir system can physically supply an additional 20mgd without compromising safe yield, required releases, or system reliability. While this assertion should be met with tremendous skepticism and rigorous scrutiny, the ability to supply the water does not establish a need to transfer it, and it does not explain why the Commonwealth should authorize that amount now.

The MWRA's own analysis makes the gap plain. Its 2050 projections separately account for growth within the existing service area and a contingency for increased use by current partial-user communities. It then adds 20 MGD of "potential new community demands" without identifying the communities, projects, timing, or demand calculation that produce that figure. The proposed amount is treated as a modeling assumption rather than the demonstrated result of regional water-supply planning. Safe yield may define the outer physical capacity of a system; it cannot substitute for the statutory and regulatory

requirement to justify a particular transfer. Accordingly, the Commission should treat “demand” as an actionable commitment by identified receiving communities, backed by the infrastructure planning, approvals, and financial resources necessary to place the requested water into actual service. The interpretation of “demand” cannot be reduced to a speculative number in a feasibility study or a potential action predicated on uncertain future funding.

Approving the application would create exactly what the Act was designed to prevent: extraction authority untethered from proven necessity. In practical terms, the MWRA seeks a 20mgd bank of donor-basin approval that can remain available while it identifies future customers. The later review of individual communities would not restore the connection between need and extraction that the Commission severed when it approved the donor-basin block.

That sequence would also exert unmistakable institutional pressure on future decisions. Once the application has been approved, recorded, and incorporated into the MWRA's long-range planning, later applications will not arrive as wholly independent proposals. They will arrive as requests to use water the Commission has already set aside for regional expansion, and at the very least, give the appearance that the Commission has provided tacit approval to 20mgd of transfers to receiving communities prior to any actual review. The statutory review of local sources and conservation should determine whether water may be transferred; it should not become the final hurdle to distributing a quantity already approved in the abstract.

The absence of identified destinations also prevents meaningful review of the proposal's full consequences. A hydraulic model can estimate certain reservoir effects from an assumed volume, but the environmental and economic consequences of a transfer do not end at the reservoir gate. They depend upon where the water will go, what infrastructure will be constructed, which local sources may be displaced or abandoned, how growth will be induced or supported, what wastewater transfers will result, and how the costs and benefits will be distributed. The Commission may be able to assess those impacts in bifurcated, but contemporaneous proceedings; however it cannot meaningfully assess those consequences while the receiving areas, quantities, and schedules remain undefined.

The people and communities of the Quabbin region have already borne an extraordinary burden for the Commonwealth's water supply. The fairness of asking them to bear more is not the legal question assigned to this Commission, but that history makes strict adherence to the law and a complete administrative record indispensable. A request of this scale cannot be approved merely because the MWRA has modeled sufficient capacity and would prefer the convenience of securing donor approval before demonstrating where or why the water is needed.

The Commission should reject the application as filed, decline to authorize the bifurcated process, and require the MWRA to return with actual proposed transfers tied to identified receiving areas, documented demand, defined quantities, and complete environmental review. That result does not prevent any community with a legitimate need from seeking MWRA water. It ensures that every transfer is justified

before it is approved and that the Interbasin Transfer Act remains a substantive protection for the Commonwealth's water resources rather than an administrative mechanism for banking capacity.

For these reasons, we respectfully urge the Commission not to approve the MWRA's request.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Saunders'.

Aaron Saunders
State Representative
7th Hampden district

A handwritten signature in black ink, appearing to read 'Susannah Whipps'.

Susannah Whipps
State Representative
2nd Franklin District

A handwritten signature in black ink, appearing to read 'Jo Comerford'.

Jo Comerford
State Senator
Hampshire, Franklin, Worcester district

A handwritten signature in blue ink, appearing to read 'Jake Oliveira'.

Jake Oliveira
State Senator
Hampden, Hampshire & Worcester District