



THE COMMONWEALTH OF MASSACHUSETTS
WATER RESOURCES COMMISSION

100 CAMBRIDGE STREET, BOSTON MA 02114

**Request for Determination of Applicability
Under the Interbasin Transfer Act
MGL Chapter 21 Sections 8B - 8D**

YMCA of the North Shore

WRC DECISION

April 6, 2006

On April 6, 2006, the Massachusetts Water Resources Commission (WRC), in a unanimous decision, found that the Interbasin Transfer Act (ITA), did not apply to the proposal by the North Shore YMCA to purchase water from Marblehead, in accordance with the MWRA Straddle Policy.

Background

On January 25, 2006, the WRC received a request for determination of applicability under the Interbasin Transfer Act (M.G.L. Chapter 21 §§ 8B-8D) from the North Shore YMCA for a connection to MWRA through Marblehead, in accordance with the MWRA Straddle Policy. This connection would be used to serve the YMCA at Leggs Hill and ten single family residences, to be constructed on a piece of property located partially in Marblehead and partially in Salem. Marblehead receives its water supply from the MWRA, which has water supply sources in the Chicopee River and Nashua River basins. Salem's water supply sources are located in the Ipswich River basin. The site is located in the North Coastal basin. The facility is requesting to purchase up to approximately 0.02 mgd from the Marblehead system.

Facts Pertaining to the Proposal

- ◆ The proposed YMCA at Leggs Hill site will be developed to contain an 88,525 square-foot (sq. ft.) facility, which will include two indoor pools, one outdoor pool, a café, an early learning center, an 11,600 sq. ft. dance studio operated by the Boston Ballet, and a small athletic field. The site will also contain ten single family homes with an average of four bedrooms each.
- ◆ Water will be used to provide domestic and fire service to the site, as well as to fill and backwash the pools. Water conservation measures will be used in association with these activities. The facility has committed to abiding by the lawn and landscape water conservation standards to minimally irrigate the athletic field. Other outdoor areas will remain un- or minimally irrigated.

- ◆ The major portion of the site is located in the City of Salem, although a portion of the site is within the Town of Marblehead.
- ◆ This parcel of land is inaccessible to the Salem water supply due to the steepness of the topography and open water and wetlands. The town of Marblehead has an existing water main located within Leggs Hill Road, which abuts the property. (See Figure 1).
- ◆ The MWRA Straddle Policy¹ provides that if a parcel of land has area in an MWRA and non-MWRA water supply community, the MWRA user community may supply water to the entire parcel, subject to certain restrictions.
- ◆ Marblehead has sufficient capacity within its existing system to accommodate service to this property. No increase in the connection between Marblehead and the MWRA Water Works system is required to facilitate this transfer.
- ◆ The facilities on this parcel will become customers of the Marblehead water supply system, rather than a separate member of the MWRA Water Works system.

In A Guide to the Application of the Interbasin Transfer Act and Regulations, the WRC set forth a policy that exempts from ITA review:

- Expansion within an existing water supply or wastewater system, originally designed and constructed to accommodate larger flows than currently being experienced.

and

- Enlargement of the receiving area, providing this does not increase the existing hydraulic capacity to transfer water out of basin².

As stated above, the facilities on this parcel will become customers of the Marblehead water supply system. As such, this connection can be considered an expansion within an existing water supply system or the enlargement of the Marblehead receiving area.

It is unlikely that water from this connection could be used to serve other areas within the City of Salem. The limitations which make the Salem supply inaccessible to the property also serve to assure that the connection to the Marblehead system will be limited to this site and not used to expand into other areas within the City of Salem.

In addition to the inaccessibility of this site to the Salem supply, the amount of water that could be furnished to the site by the City of Salem may also be limited. Salem is served by the Salem-Beverly Water Supply Board which obtains its water from the Ipswich River basin, classified as Highly Stressed in the 2001 Stressed Basin Report. DEP's Draft Water Management Act permits for the Ipswich River basin will put certain restrictions on overall water use from sources in this basin.

¹ MWRA connection Policy #OP.09, November 2002 revision.

² This refers to individual users or users within a community with an existing interbasin transfer. In October, 1990 the WRC voted to take jurisdiction under the Act of communities which applied to join a regional water supply system.

If the City of Salem could overcome the physical restrictions which isolate this part of the City and sought to use this connection with Marblehead to obtain water supply from the MWRA, it would be subject to the Interbasin Transfer Act. The ITA regulations, 313 CMR 4.02(e), consider any change in an operating rule of a water supplier to be subject to the Act. WRC Policy also requires review under the Act for communities which apply to join a regional water supply system, such as the MWRA.

WRC Decision

From the information provided by North Shore YMCA, this water supply connection should be viewed as the expansion of the distribution system within the receiving area or the enlargement of the receiving area, as previously defined by the WRC.

Based on this, the WRC, at its April 6, 2006 meeting, found that Interbasin Transfer Act does not apply to the North Shore YMCA proposal, through the November 13, 2002 revision of the MWRA Water Connection Policy # OP.09 (Straddle Policy), for a connection to MWRA through Marblehead for the YMCA at Leggs Hill.

This decision applies only to the connection to the North Shore YMCA at Leggs Hill property, as described in the Request for Determination of Applicability filed with the WRC on January 25, 2006. Any potential distribution of water from this site to other parcels outside of the town of Marblehead will be subject to review at some level under the Interbasin Transfer Act.



Yannase Hangen Brustlin, Inc.
Figure 1
YMCA at Leggs Hill
Salem/Marblehead, MA
Locus Plan
Scale 1"=500'
January 2006