

Summary of Reasonable Instream Flow Analysis and Cumulative Impacts

The analyses of release data indicate there will be no change in the operation of the Quabbin and Wachusett Reservoirs in response to the proposed Burlington transfer or to other potential transfers up to the 10 MGD used in the analyses of the MWRA Water Works System.

Downstream flows will continue to meet all applicable permit and regulatory requirements. Low flows will not change, and intermediate and high flows will possibly only be slightly affected on the Swift and Ware Rivers. Current resources will be unaffected by the transfer. The proposed action to increase the present rate of interbasin transfer will still maintain reasonable instream flow in the donor basins. The WRC recognizes that current conditions represent a highly engineered environment. Modifications to the timing and magnitude of releases to the Swift and Nashua Rivers, previously undertaken, may be beneficial to the downstream aquatic habitat. This Decision attempts to address the balance between water supply needs and aquatic habitat needs of flow, water quality and water temperature in the Swift, Ware, and Nashua Rivers.

Criterion #6: Impacts of Groundwater Withdrawals

MWRA's sources are surface water sources. This Criterion is not applicable to this proposal.

EXECUTIVE ORDER 385

This Decision is consistent with Executive Order 385, which has the dual objective of resource protection and sustainable development. This Decision does not encourage growth in areas without adequate infrastructure nor does it cause a loss of environmental quality or resources.

CONDITIONS FOR APPROVAL

Based on the analyses of this project, the approval of Burlington's application under the ITA to purchase water from MWRA is subject to the following conditions. **Burlington must commit in writing within 45 days of this Decision to abide by all conditions required by the approval of this transfer.**

1. By virtue of claiming that its local groundwater sources are currently not viable at any time for drinking water purposes, and therefore an interbasin transfer from the MWRA is needed to meet the Town's water supply needs, under the ITA Burlington will need to ultimately discontinue the use of its groundwater sources. During Phase 1 of the project, in which 1 MGD will be transferred from MWRA to Burlington through the Town of Lexington, Burlington will still need to rely on the currently active Vine Brook wells and WTP (Wells No. 1, 2, 10, and 11, which produce approximately 1.95 MGD) to meet water supply needs. When Phase 2 is complete, accepted for commissioning by MassDEP and the Town, and the connection to MWRA for the full 6.5 MGD is active, Wells No. 1, 2, 10 and 11 will then be maintained in an inactive ready status to be pumped through the Vine Brook WTP monthly. After the completion of Phase 2, the wells and the Vine Brook WTP will be used for water supply purposes only during a MassDEP-declared emergency.

If, at a future date, the Town decides to completely remove the wells from service and decommission and demolish the Vine Brook WTP, Burlington must notify the WRC of this change in operations. In addition, in the event that Burlington's local groundwater sources become viable in the future, Burlington must notify the WRC for consideration of

the implications of in-basin water availability on this approval. Burlington must also notify the WRC of any system changes, including those in infrastructure or operation, which could provide the Town the ability to increase its rate of interbasin transfer.

2. Burlington must prioritize the use of its surface water source to the maximum extent possible and may only withdraw the full 6.5 MGD (MDD) from MWRA when the Mill Pond WTP is not available to supply water to the Town due to maintenance, repair needs, or other circumstances. In the future, if Burlington seeks to discontinue use of its Mill Pond WTP and rely solely on the MWRA for its full supply of water, Burlington must notify the WRC regarding the change in viability of its local surface water sources and request and obtain from the WRC appropriate amendments to the final WRC decision to reflect the changed circumstances that its local sources are no longer viable.
3. To attain compliance with Water Conservation Standard #4 - Pricing, Burlington must:
 - a. Eliminate the base allocation of 5,000 gallons per annual billing cycle within the secondary residential rate.
 - b. Create new tier volumes for the secondary residential rate that more effectively distinguish between efficient and inefficient outdoor usage and send stronger price signals for less efficient use.
 - c. Substantially reduce or eliminate the base allocation of 10,000 gallons per quarterly billing cycle for commercial customers.
4. Within the next four years and with updates on progress provided annually, Burlington must move to at least quarterly billing for its primary residential accounts and incorporate one additional billing cycle, mid-irrigation season, to achieve the equivalent of quarterly billing for its secondary residential accounts.
5. To attain compliance with Water Conservation Standard #6 - a drought/emergency contingency plan, the Town must update its drought plan to reflect the changes in water supply sources for both the MWRA sources and the remaining local source(s). Additionally, when updating its drought plan, Burlington should review the 2019 (or most recent) Massachusetts Drought Management Plan and incorporate applicable recommended elements from the state plan into its drought plan. It must also tie its drought plan to the Secretary of EEA's drought declaration as a secondary trigger and incorporate recommended actions by the Secretary of EEA for the Northeast Drought Region.
6. Burlington must continue to regulate nonessential outdoor water use from private wells based on local conditions and state-declared drought status and seek WRC approval prior to making any changes to its Water Supply Conservation bylaw or private well regulations regarding nonessential outdoor water use that would make them less environmentally protective than the current restrictions.
7. To complete compliance with Water Conservation Standard #7 - Municipal Use, Burlington must ensure that its buildings, facilities, and landscapes are using water efficiently both indoors and outdoors. Burlington must use its smart water metering system to analyze existing water-use data to spot trends, patterns, and unexplained

increases that could indicate leaks or inefficient use of water, including monitoring its facilities for leaks and ensuring compliance with water bans at public facilities. Public buildings and facilities that use large amounts of water must be investigated for potential retrofits of fixtures if they are not low flow. Where feasible, use the best available technologies for water conservation for both retrofitted facilities and new construction.

8. To complete compliance with Water Conservation Standard #10 - Industrial, Commercial and Institutional (ICI) Use, Burlington must continue to monitor water use on its metering system for high usage and suspected leaks, and notify the users as needed. The Town must reach out annually to the top 10 users to direct them to EPA's WaterSense website that has information regarding conservation strategies applicable to the top 10 users (such as hotels, restaurants, etc.) to help emphasize the importance of water conservation.
9. To complete compliance with Water Conservation Standard #12 - A long-term water conservation program, Burlington must:
 - a. Continue to implement core elements of a Water Loss Control Program to remain at or below 10% UAW and review and revise its Program as needed in accordance with standard industry best management practices. Additional elements of a Water Loss Control Program can be found in the 2018 Water Conservation Standards and EPA guidance. Water Loss Control Strategies can be found in the American Water Works Association guidance on M36 Audits as well as EPA guidance.
 - b. Provide annual summaries of progress and make all documents available upon request to WRC staff for review.
10. Burlington must complete the updated WRC Water Conservation Questionnaire to serve as its written water conservation plan and outline how Burlington's program conforms with the 2018 Massachusetts Water Conservation Standards. This questionnaire, updated every five years by Burlington, will reflect its existing program and additional components outlined in conditions 3 and 4 (water rates and billing), condition 5 (drought plan), condition 7 (municipal use), condition 8 (ICI), and condition 9 (water loss control). Burlington must actively continue all water conservation efforts to maintain its rgpcd at or below 65 and its UAW at or below 10%.
11. Burlington must continue to maintain its public education program on water use and conservation through various media, online and other outlets.
12. Burlington must develop a local Surface Water Supply Protection Plan for Mill Pond Reservoir. MassDEP's Drinking Water Program is available to provide GIS maps, guidance and technical assistance. The plan shall include a component on forestry for watershed protection, in the event that Burlington has plans to conduct forestry operations on Town-owned properties. As part of this process, Burlington should work with MassDEP to ensure compliance with 310 CMR 22.20C.