



## The Massachusetts Water Management Act Program

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### Massachusetts Department of Environmental Protection

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#### INTRODUCTION

The Water Management Act (M.G.L. c. 21G) became effective in March 1986. The Act authorizes the Massachusetts Department of Environmental Protection (DEP) to regulate the quantity of water withdrawn from both surface and groundwater supplies. The purpose of these regulations (310 CMR 36.00) is to ensure adequate water supplies for current and future water needs. The Water Management Act (WMA) consists of a few key components, including a registration program and a permit program.

Large water users had the ability to register their existing water withdrawals based on their water use between 1981-1985. The registration program established the renewable right of previously existing water withdrawals over 100,000 gallons per day (gpd) on average, per river basin, between the years of 1981-1985. DEP issued registration statements to document these registrations. The last day to register was January 4, 1988.

#### PERMIT PROGRAM

Since 1988, persons planning to withdraw water from ground or surface sources for purposes in excess of an annual average of 100,000 gallons per day or 9 million gallons in any three month period must apply for a Water Management Act Permit. Withdrawers typically requiring a permit include public water suppliers, 18 hole golf courses, cranberry growers, ski areas, sand and gravel facilities, fish hatcheries, agricultural and industrial users. Withdrawers with a Water Management Registration do not need a permit if they do not increase withdrawals over their registered volumes or add any new withdrawal points to their system.

#### PERMIT REQUIREMENTS

The following requirements should be considered when applying for a Water Management Act Permit:

- For year-round withdrawers, the threshold volume is 100,000 gallons per day (gpd) on average over the course of the year, or 36.5 million unregistered gallons per year.
- For seasonal water users, i.e., golf courses, nurseries, and most agricultural users, the threshold volume is 100,000 gpd on average for three consecutive months during the year, or 9 million unregistered gallons over a three month period.
- Cranberry growers with less than 4.66 unregistered acres in production, do not require a WMA permit. When acreage in production is increased above the threshold of 4.66 acres of "old style" bogs, or 9.3 acres of "new style" bogs, through the purchase of formerly unregistered bogs or through the construction of new bogs, a Water Management Permit is required. Also, changes in withdrawal points may need a Water Management Permit. "New style" bogs are those defined as using Best Management Practices (BMP's); "old style" bogs are those which do not employ BMP's.
- Best Management Practices for cranberry bog construction are defined as follows:
  - \* Bog construction laser leveled (or equivalent) to 6 inches.
  - \* Implementation of a tail water recovery system.
  - \* Irrigation systems and water control structures (dikes and flumes) to National Resources Conservation Services (NRCS) standards.

- Water suppliers or users who obtain all their water from another water system, such as the Massachusetts Water Resources Authority (MWRA), do not need a permit.
- Interbasin Transfer approval is required from the Water Resources Commission (at EOEEA, 617-727-9800) for withdrawals crossing a river basin and municipal boundary.
- Water Management permits and New Source Approval are both required for new public water supply sources. Review under the Massachusetts Environmental Policy Act (MEPA) is required for new withdrawals over 100,000 gpd (physically new withdrawals or increased withdrawal volumes from existing sources.)
- Increased withdrawals from existing withdrawal points may require MEPA review. Examine the MEPA Regulations (301 CMR 11.00) to determine if a project exceeds the MEPA review thresholds. For more information contact MEPA Unit, EOEEA, 100 Cambridge St., Boston, MA 02202 (617-727-5830).

## **PERMIT PROCESS**

Within 90 days of the filing date, DEP will complete a review of the application, during which time the applicant and DEP will each conduct their required public notice. The applicant then will have 90 days to remedy any deficiencies and complete the public notice responsibilities. DEP typically has 90 days from the completion date to rule on an application but may take up to an additional 9 months in certain circumstances.

## **PERMIT INFORMATION**

- Water Management permits will typically run for 20 years. Permits will be issued for an average daily withdrawal rate and are authorized in five year increments. DEP has the option to set seasonal peaks as well.
- Permit conditions may include installation of meters, conservation measures, Zone II delineation for public water supply wells or safe yield determinations for public surface water supplies, the implementation of wellhead protection measures for public water supply wells, wetlands delineation and annual monitoring, and withdrawal reductions during times of low streamflow.
- Permit holders are required to submit annual reports with monthly withdrawal information.
- To amend a permit, file an application for a permit amendment with DEP for any changes except an increase in volume.
- An increase in system wide withdrawal volumes requires a new permit application.
- Public water suppliers seeking a permit, may choose not to include some or all of their registered withdrawal points. If a public water supplier will not increase withdrawals from a particular point above the amount withdrawn from that point during the 1981-1985 registration period, the applicant may elect not to include the withdrawal point in the permit. Applicants must be aware, however, that failing to permit a registered withdrawal point may limit operational flexibility in the future by limiting withdrawals from registered wells to the rate at which they were pumped between 1981 and 1985.
- Individuals can apply for nonconsumptive use status if the water they use is discharged back into the water source at or near the withdrawal point, in substantially unimpaired quality and quantity.
- All registrations and permits in a river basin will be reviewed together at the end of each five year increment to ensure that each has met the conditions contained in their registration or permit.

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**For additional information concerning this program or to obtain a copy of the Water Management Application, please contact the DEP's Water Management Program, One Winter St., 5th Floor, Boston, MA 02108, 617-292-5706 .**

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