



# Department of Environmental Protection

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Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

October 21, 2016

Dear Nashua Basin Water Management Act Permittees:

I am writing to update you on developments that impact the renewal process for your Water Management Act (WMA) permit.

### The Permit Extension Act

As outlined in the letter sent to you on September 15, 2012, the Permit Extension Act (PEA), enacted in 2010 and subsequently amended in 2012, automatically extended all WMA permits.

- In the Nashua Basin, the 2010 PEA's provisions extended the term of WMA permits from February 28, 2014, to February 28, 2016, and the 2012 amendment further extended the term of all permits for an additional two years until February 28, 2018.
- Permit renewal applications must be filed between December 31, 2016, and February 28, 2017.

Pursuant to M.G.L. c. 30A, section 13, and 310 CMR 36.18(7), if your permit renewal application is filed by February 28, 2017, your current permit will continue in force and effect until the Department issues a decision on your renewal application. Your renewal application will be reviewed in accordance with the newly amended WMA regulations, which are outlined below.

### Permit Renewal Schedule

In order to introduce the revised permitting process and new regulatory requirements that might apply to permits in the Nashua Basin, MassDEP will be holding an outreach workshop.

**Water Management Permit Renewal Outreach Workshop**  
**Thursday, November 17<sup>th</sup>, 2016, 10:00 a.m. to 12:00 p.m.**  
**Double Tree by Hilton**  
**99 Erdman Way**  
**Leominster, MA 01453**

### Revisions to the Water Management Program Regulations at 310 CMR 36.00

From 2010 to 2014, MassDEP participated in a stakeholder process known as the Sustainable Water Management Initiative (SWMI). SWMI was started in 2010 by the Executive Office of Energy and Environmental Affairs (EEA) for the purpose of incorporating the best available science into the management of the Commonwealth's water resources. The SWMI process is now complete and, effective November 7, 2014,

MassDEP has adopted revised WMA Program Regulations at 310 CMR 36.00 that incorporate important elements of the SWMI framework. The regulations can be found at:  
<http://www.mass.gov/eea/agencies/massdep/water/regulations/310-cmr-36-00-the-water-management-act-regulations.html>.

The regulations reflect a carefully developed balance to protect the health of our water bodies while meeting the needs of businesses and communities for water. The amended regulations also clarify WMA permitting requirements and processes. The amended WMA regulations incorporate:

- a new methodology for calculating “safe yield” of the 27 major river basins in Massachusetts;
- “streamflow criteria” and “coldwater fish resources” that will be used to identify environmental conditions within river subbasins;
- 2003-2005 “baseline” water withdrawals ;
- “permit tiers” determined according to the size of each permittee’s withdrawal relative to their baseline and potential impact on streamflow criteria and coldwater fish resources;
- “mitigation” to offset increasing withdrawals by improving streamflow or aquatic habitat; and
- “minimization” to protect streamflows in subbasins that are net groundwater depleted during August.

In addition to the Outreach Workshop, MassDEP will be available for individual consultation sessions as needed before and after the application filing date to assist permittees in developing information that addresses all aspects of the new regulations and their individual situation. The attached schedule outlines the permit renewal process in more detail.

Please contact Duane LeVangie in the MassDEP Boston Office at [duane.levangie@state.ma.us](mailto:duane.levangie@state.ma.us) or (617) 292-5706, or Susan Connors in the MassDEP CERO Office at [susan.connors@state.ma.us](mailto:susan.connors@state.ma.us) or at (508) 767-2701, if you have any questions regarding the status of your permit or the effect of the Permit Extension Act.

Sincerely,



Rebecca Weidman  
Director of the Division of Watershed Management  
Bureau of Water Resources

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ecc: S. Connors, MassDEP CERO  
A. Carroll, DCR OWR  
M. Craddock, DFW  
A. Kautza, DFW  
J. Pederson, MWWA  
J. Blatt, Mass Rivers Alliance  
WMA Advisory Committee

Water Needs Forecasts	Outreach Workshop	Permit Renewal Filing Period	Consultation Sessions	MassDEP Sends Request for Additional Information	Draft Permit Issued	Final Permit Issued
Fall 2016	November 17, 2016	December 31, 2016 to February 28, 2017	Starting November 2016 to 2019	Following Consultation Sessions	2019	2020
Department of Conservation & Recreation/Office of Water Resources staff will be reviewing population and water withdrawal data, and may be contacting your community to prepare water needs forecasts.	MassDEP will conduct an Outreach Workshop on: <ul style="list-style-type: none"> <li>the SWMI process</li> <li>information required to complete the permit renewal application process</li> <li>consultation process with applicants to develop the required information.</li> </ul>	Initial permit renewal applications are filed. <ul style="list-style-type: none"> <li>Initial application will be supplemented by information developed through consultation and the Request for Additional Information.</li> </ul>	MassDEP and state agency staff meet at the applicant's request to consult on any aspect of permit renewal including projected demand, fisheries protection, minimization or mitigation requirements.	MassDEP will send an individual "Request for Additional Information" needed to complete each permit renewal application. Applicants will have 90 days to develop the necessary information, and may request additional time if, despite reasonable efforts, additional time is needed.	MassDEP will issue draft permits for a 30-day public comment period.	MassDEP will issue final permit renewals for the Nashua Basin.

