

DRAFT Permit Language for “Mainland” PWS Permits- May 14, 2025

Seasonal (May 1 – October 31) Limits on Nonessential Outdoor Water Use

Each year, the Permittee shall choose one of two options for implementing nonessential outdoor watering restrictions:

1. Calendar triggered restrictions: Restrictions shall be implemented from May 1 through **October 31**.
2. Streamflow triggered restrictions: Restrictions shall be implemented when streamflow falls below designated flow triggers measured at an assigned, web-based, real-time U.S. Geologic Survey (USGS) stream gage from May 1 through **October 31**. At a minimum, restrictions shall commence when streamflow falls below the trigger for three consecutive days. Once implemented, the restrictions shall remain in place until streamflow at the assigned USGS stream gage meets or exceeds the trigger streamflow for seven consecutive days **or until October 31**.

If the Permittee selects the streamflow triggered approach, it has been assigned the USGS local stream gage of *Gage Name, number and location*. The applicable streamflow triggers are in Table X below.

Should the reliability of flow measurement at the *Gage Name* be so impaired as to question its accuracy, the Permittee may request MassDEP’s review and approval to transfer to another gage to trigger restrictions. MassDEP reserves the right to require the use of a different gage.

NOTE to Committee: this is the version that will go into PWS permits with reservoirs only or all wells located in groundwater rich subbasins, i.e. with August Net Groundwater Depletion less than 25%

Seasonal Limits on Nonessential Outdoor Water Use (May 1 through October 31)	
The Permittee shall choose calendar or streamflow triggered restrictions for nonessential outdoor water.	
Restrictions for Permittees meeting the 65 RGPCD Standard for the preceding year RGPCD \leq 65 as reported in the ASR and accepted by MassDEP	
Calendar-Triggered Restrictions	Nonessential outdoor water use is allowed before 9 a.m. and after 5 p.m seven (7) days per week . <ul style="list-style-type: none">- Handheld watering and drip irrigation of ornamentals and flower gardens may be permitted at any time.
Streamflow-Triggered Restrictions	Nonessential outdoor water use is allowed before 9 a.m. and after 5 p.m. seven (7) days per week when USGS stream gage <i>Gage Name, number and location</i> falls below: <ul style="list-style-type: none">• May 1 – June 30: x cfs for three (3) consecutive days• July 1 – October 31: y cfs for three (3) consecutive days <ul style="list-style-type: none">- Handheld watering and drip irrigation of ornamentals and flower gardens may be permitted at any time. <p>Once implemented, the restrictions shall remain in place until streamflow at the gage meets or exceeds the trigger streamflow for seven (7) consecutive days.</p>

Restrictions for Permittees NOT meeting the 65 RGPCD standard for the preceding year

RGPCD > 65 as reported in the ASR and accepted by MassDEP

Calendar-Triggered Restrictions	Nonessential outdoor water use is allowed two (2) days per week before 9 a.m. and after 5 p.m. <ul style="list-style-type: none">- Handheld watering and drip irrigation of ornamentals and flower gardens may be permitted at any time.
Streamflow-Triggered Restrictions	Nonessential outdoor water use is allowed two (2) days per week before 9 a.m. and after 5 p.m. when USGS stream gage <i>Gage Name, number and location</i> falls below: <ul style="list-style-type: none">• May 1 – June 30: x cfs for three (3) consecutive days• July 1 – October 31: y cfs for three (3) consecutive days <ul style="list-style-type: none">- Handheld watering and drip irrigation of ornamentals and flower gardens may be permitted at any time. <p>Once implemented, the restrictions shall remain in place until streamflow at the gage meets or exceeds the trigger streamflow for seven (7) consecutive days.</p>

Or

NOTE to Committee: this is the version that will go into PWS permits with wells located in groundwater depleted subbasins, i.e. with August Net Groundwater Depletion greater than 25%

Seasonal Limits on Nonessential Outdoor Water Use (May 1 through **October 31)**

The Permittee shall choose calendar or streamflow triggered restrictions for nonessential outdoor water.

Calendar-Triggered Restrictions	Nonessential outdoor water use is allowed two (2) days per week before 9 a.m. and after 5 p.m. <ul style="list-style-type: none">- Handheld watering and drip irrigation of ornamentals and flower gardens may be permitted at any time.
Streamflow-Triggered Restrictions	Nonessential outdoor water use is allowed two (2) days per week before 9 a.m. and after 5 p.m. when USGS stream gage <i>Gage Name, number and location</i> falls below: <ul style="list-style-type: none">• May 1 – June 30: x cfs for three (3) consecutive days• July 1 – October 31: y cfs for three (3) consecutive days <ul style="list-style-type: none">- Handheld watering and drip irrigation of ornamentals and flower gardens may be permitted at any time. <p>Once implemented, the restrictions shall remain in place until streamflow at the gage meets or exceeds the trigger streamflow for seven (7) consecutive days.</p>

Instructions for Accessing Streamflow Website Information

If the Permittee chooses Streamflow Triggered Restrictions, the Permittee shall be responsible for tracking streamflows and drought status and recording and reporting to MassDEP when restrictions are implemented.

Streamflow information is available at the USGS National Water Information System (NWIS): Web Interface. The USGS NWIS default shows Massachusetts streamflows in real time, i.e., the most recent, usually quarterly hourly, reading made at each USGS stream gage.

Seasonal Limits on Nonessential Outdoor Water Use are implemented when the mean daily streamflow falls below the designated trigger for 3 consecutive days. The mean daily flow is not calculated until after midnight each day when the USGS computes the hourly data into a mean daily streamflow. As a result, the Permittee must use the mean daily streamflow from the preceding day when tracking streamflows.

Mean daily streamflow gage readings are available at the USGS NWIS Web Interface at <http://waterdata.usgs.gov/ma/nwis/current/?type=flow>.

- Scroll down to *Gage Number* on the *Gage Name near Gage Location*.
- Click on the gage number.
- Click on “Data Inventory” at the top of the page.
- Click on “Daily Data” in the dropdown menu.
- Scroll down to the “Available Parameters” box. Within the box, be sure “00060 Discharge (Mean)” is checked, then, under “Output Format” click “Table” and hit GO.
- Scroll down to “Daily Mean Discharge, cubic feet per second” table and find the current date on the table.
- Compare the cubic feet per second (cfs) measurement shown on the table to the cfs shown under Streamflow Triggered Restrictions above.

NOTE to Committee: Drought Triggered Restrictions will appear in ALL PWS permits.

Drought Triggered Limits on Nonessential Outdoor Water Use

Whenever a drought is declared by the Secretary of EEA for the drought region, county or watershed where the Permittee’s withdrawals are located, the following restrictions shall be implemented and will supersede any Seasonal Limits on Nonessential Outdoor Water Use.

Drought Triggered Limits on Nonessential Outdoor Water Use	
Outdoor water use restrictions based on drought status supersede Calendar or Streamflow restrictions.	
Whenever a drought is declared by the Secretary of (EEA) for the drought region, county or watershed where the Permittee’s withdrawals are located, the Permittee shall limit nonessential outdoor water use as follows:	
Level 1 Mild Drought	Nonessential outdoor water use is allowed one (1) day per week before 9 a.m. and after 5 p.m. - Handheld watering and drip irrigation of ornamentals and flower gardens may be permitted at any time.
Level 2 Significant Drought	Ban on all nonessential outdoor water use - Handheld watering and drip irrigation of ornamentals and flower gardens may be permitted at any time.
Level 3 Critical Drought	Ban on all nonessential outdoor water use, including a ban on handheld watering and drip irrigation.
Level 4 Emergency Drought	All nonessential outdoor water uses are banned. - Additional measures may be required per the Governor’s Emergency Declaration.
Once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary of EEA.	
Drought Status Information	

Drought Status information is available at the Massachusetts Department of Conservation and Recreation (DCR) Drought Status Website at <https://www.mass.gov/info-details/drought-status>.

- Click on “Current Drought Status”. The color-coded map displays the six drought regions in Massachusetts.

Nonessential Outdoor Water Use means a use that is not required:

- (a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;
- (b) by permit, license, statute or regulation;
- (c) for the production of food, including vegetable gardens, and fiber;
- (d) for the maintenance of livestock;
- (e) to meet the core functions (those functions essential to the commercial operations) of a business, including but not limited to:
 1. plant nurseries as necessary to maintain stock;
 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

Public Notice of Nonessential Outdoor Water Use Restrictions

The Permittee shall notify its customers of all provisions, including all restrictions, requirements and conditions imposed as soon as possible, but not later than 48 hours after the implementation of said restrictions. The Notice shall include a detailed description of the restrictions and penalties for violations.

Notification from May 1st – **October 31st** shall be by at least two methods reasonably calculated to reach and inform all customers (water users), and may include any of the following methods: publication in a newspaper of general circulation within the service area of the PWS, by signage on major roadways or intersections within said service area, in writing, by email, on web sites, by public service announcements on local media, by reverse 911 calls or other such means.

For drought restrictions from **November 1** through April 30, the Permittee shall post on its website or other location available to all customers, information on the drought level and recommended water conservation actions. No other notification is required from **November 1** through April 30.

Notify MassDEP

Notice that restrictions have been put in place shall be filed with MassDEP within 14 days of the restriction's initial effective date and each time the restriction is changed. Filing shall be in writing on the form "Notification of Water Use Restrictions" available on MassDEP website here under Additional Resources: [Outdoor Water Use Restrictions for Cities, Towns, and Golf Courses | Mass.gov](#).

Enforcement Authority

This permit condition does not confer enforcement authority to the permittee. If the Permittee does not have appropriate enforcement authority, then beginning as soon as possible, but no later than 24 months after issuance of the Permit, the Permittee shall establish enforceable restrictions limiting nonessential outdoor water use.

Nothing in the permit shall prevent the Permittee from implementing water use restrictions that are more stringent than those set forth in this permit.