



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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Public Notice Requirements
Water Mangement Act Application
(Year 2000 Printing)

Effective Date: 11-25-91
Program Applicability
Supersedes Policy, SOP or Guidance #:
Approved by: David Y. Terry

Policy, SOP or Guideline # 89-06

This policy is adopted to clarify the relationship of the public notice requirements in connection with a permit application under the terms of the Water Management Act.

POLICY

It is the policy of the Department to consider the time frames for public notice of proposed new withdrawal an essential component of the application, to wit:

- 1) The time frames for public notice of proposed new withdrawals are an essential component of the notice requirements. Failure of an applicant to publish a notice, or to notify abutters, within the time allowed in 310 CMR 36.22 may prevent an application from being deemed complete and/or subject to applicant to penalties.
- 2) Upon Receipt of an application on or before the applicable filing date, the Department will notify the applicant, by certified mail, of the public notice requirements and that failure to comply may result in rejection of the application on the grounds of its being incomplete and/or subject the applicant to penalties.
- 3) Abutters to a property on which a withdrawal is located include: 1) primary abutters, all those who own property which abuts the property on which the withdrawal point is located; and 2) secondary abutters, all those who own property which abuts the primary abutters. Rights of way, including roadways, railroad beds and utility easements, are not considered in determining primary and secondary abutters.
- 4) Applicants failing to complete public notice in a timely manner will be subject to penalties and denial of their application.

Adopted: 11-13-91
Effective: 11-25-91

David Y. Terry, Director
Division of Water Supply

This information is available in alternate format by calling our ADA Coordinator at (617) 574-6872.

DEP on the World Wide Web: <http://www.state.ma.us/dep>

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