



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

100 Cambridge Street Suite 900 Boston, MA 02114 • 617-292-5500

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

Patrick Meehan
Bay Club Members LLC
63 County Road,
Mattapoisett, MA 02571

October 08, 2024
RE: Water Management Act
Permit No. 9P4-4-24-173.01
Final WMA Permit Renewal

Dear Mr. Meehan:

Please find the following attached documents:

- Findings of Fact in Support of the Permit Decision.
- Final Water Management Act Permit for withdrawals by Bay Club Members LLC in the Buzzards Bay Basin.

If you have any questions regarding the final permit, please contact Shi Chen at shi.chen@mass.gov or 857-360-0042.

Sincerely,

Duane LeVangie
Water Management Program Chief
Bureau of Water Resources

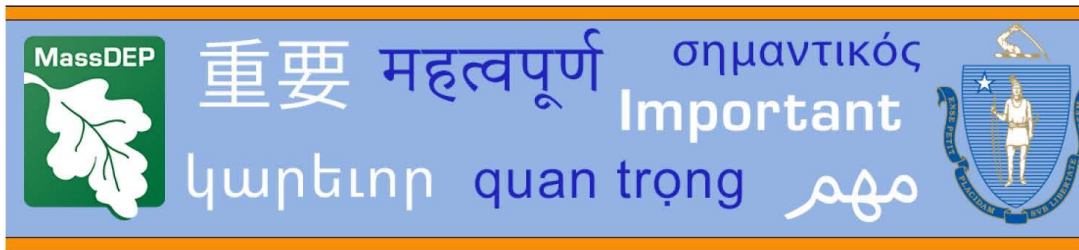
cc: Julia Blatt and Lydia Olson, Mass Rivers Alliance
Lealdon Langley, Matthew Reardon, MassDEP

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Communication for Non-English-Speaking Parties

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繁體中文 Chinese Traditional

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如需對本文檔進行翻譯，請透過如下列示電話號碼與 MassDEP 的環境司法總監聯絡。

简体中文 Chinese Simplified

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Ayisyen Kreyòl Haitian Creole

Dokiman sa a enpòtan epi yo ta dwe tradui l imedyatman. Si w bezwen tradui dokiman sa a, tanpri kontakte Direktè. Jistis Anviwònmanal MassDEP a nan nimewo telefòn ki endike anba a.

Việt Vietnamese

Tài liệu này và quan trọng và phải được dịch ngay. Nếu quý vị cần bản dịch của tài liệu này, vui lòng liên hệ với Giám Đốc Phòng Công Lý Môi Trường của MassDEP theo số điện thoại được liệt kê bên dưới.

ប្រទេសកម្ពុជា Khmer/Cambodian

ឯកសារនេះមានសារៈសំខាន់
ហើយកម្មវិធីត្រូវបានបកប្រែភ្លាមៗ។
ប្រសិនបើអ្នកត្រូវការអោយឯកសារនេះបកប្រែ
សូមទាក់ទងនាយកដ្ឋានយុត្តិធម៌បរិស្ថានរបស់
MassDEPតាមរយៈលេខទូរស័ព្ទដែលបានរាយនាមខាងក្រោម។

Kriolu Kabuverdianu Cape Verdean

Es dokumentu sta important i tenki ser tradusidu imediatamenti. Se nho ta presisa ke es dokumentu sta tradisidu, por favor kontata O Diretor di Justisia di Environman di DEP ku es numero di telefoni menxionadu di baixo.

Contact Deneen Simpson 857-406-0738

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Русский Russian

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العربية Arabic

هذه الوثيقة مهمة وتجب ترجمتها على الفور.

إذا كنت بحاجة إلى ترجمة هذه الوثيقة، فيرجى الاتصال بمدير العدالة البيئية في MassDEP على رقم الهاتف المذكور أدناه.

한국어 Korean

이 문서는 중대하므로 즉시 번역되어야 합니다. 본 문서 번역이 필요하신 경우, 매사추세츠 환경보호부의 "환경정의" 담당자 분께 문의하십시오. 전화번호는 아래와 같습니다.

հայերէն Armenian

Այս փաստաթուղթը կարևոր է, և պետք է անհապաղ թարգմանել այն: Եթե Ձեզ անհրաժեշտ է թարգմանել այս փաստաթուղթը, դիմեք Մասաչուսեթսի շրջակա միջավայրի պահպանության նախարարության (MassDEP) Բնապահպանական հարցերով արդարադատության ղեկավարին (Director of Environmental Justice)՝ ստորև նշված հեռախոսահամարով

فارسی Farsi Persian

این نوشتار بسیار مهمی است و باید فوراً ترجمه شود. اگر نیاز به ترجمه این نوشتار دارید لطفاً با مدیر عدالت محیط زیستی MassDEP در شماره تلفن ذکر شده زیر تماس بگیرید.

Français French

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Deutsch German

Dieses Dokument ist wichtig und muss sofort übersetzt werden. Wenn Sie eine Übersetzung dieses Dokuments benötigen, wenden Sie sich bitte an MassDEP's Director of Environmental Justice (*Direktor für Umweltgerechtigkeit in Massachusetts*) unter der unten angegebenen Telefonnummer.

Ελληνική Greek

Το έγγραφο αυτό είναι πολύ σημαντικό και πρέπει να μεταφραστεί αμέσως. Αν χρειάζεστε μετάφραση του εγγράφου αυτού, παρακαλώ επικοινωνήστε με τον Διευθυντή του Τμήματος Περιβαλλοντικής Δικαιοσύνης της Μασαχουσέτης στον αριθμό τηλεφώνου που αναγράφεται παρακάτω

Italiano Italian

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Język Polski Polish

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हिन्दी Hindi

यह दस्तावेज महत्वपूर्ण है और इसका अनुवाद तुरंत किया जाना चाहिए। यदि आपको इस दस्तावेज का अनुवाद कराने की जरूरत है, तो कृपया नीचे दिए गए टेलीफोन नंबर पर MassDEP के पर्यावरणीय न्याय निदेशक से संपर्क करें।

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Findings of Fact in Support of Final Permit Decision Water Management Act Permit #9P4-4-24-173.01 Bay Club Members LLC

The Massachusetts Department of Environmental Protection (MassDEP) has completed its review of Bay Club Members LLC's ("Bay Club") Water Management Act (WMA) permit renewal application filed on May 20, 2015. The Department hereby proposes to issue Water Management Permit #9P4-4-24-173.01 (the "Permit") in accordance with the Water Management Act (M.G.L. c. 21G) and the regulations promulgated thereunder at 310 CMR 36.00. The Department makes the following Findings of Fact in support of the attached Permit and includes herewith its reasons for issuing the Final Permit and for conditions of approval imposed, as required by M.G.L. c. 21G, § 11, and 310 CMR 36.00. The Permit is being issued since such action is necessary for the promotion of the purposes of M.G.L. c. 21G. The Department may amend, suspend or terminate the Permit, after notice and hearing, in accordance with the provisions of 310 CMR 36.29(1).

The Permit Extensions

WMA permits issued during the first 20-year permitting cycle for the Buzzards Bay Basin were due to expire on May 31, 2011. The expiration dates for all Water Management permits were extended for four years by Chapter 240 of the Acts of 2010 as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act. The expiration date for the applicant's permit was extended to May 31, 2015.

Bay Club Members LLC filed a timely renewal application for their Water Management permit in May 2015. Subsequently, in a letter of March 28, 2016, MassDEP informed the applicant that MassDEP would need additional time before making a determination on the application in order to ensure that all permit renewal applicants in the Buzzards Bay Basin fully understood the new Water Management Regulations (discussed below), and to give proper consideration to all permit renewal applications within the basin. Pursuant to M.G.L. c. 30A, § 13, and 310 CMR 36.18(7), the applicant's permit, continues in force and effect until MassDEP issues a final decision on the permit renewal application.

In accordance with 310 CMR 36.17 (1), the expiration date for all permits in the Buzzards Bay Basin will be September 4, 2032.

The Water Management Act (M.G.L.c. 21G)

The Water Management Act (Act) requires that MassDEP issue permits that balance a variety of factors including without limitation:

- Impact of the withdrawal on other sources of water;
- Time of year when the withdrawal will be made;
- Water available within the safe yield of the source;
- Reasonable protection of existing water uses, land values, investments and enterprises;
- Proposed use of the water and other existing or projected uses of water from the water source;
- Municipal and Massachusetts Water Resources Commission (WRC) water resource management plans;
- Reasonable conservation consistent with efficient water use;
- Reasonable protection of public drinking water supplies, water quality, wastewater treatment capacity, waste assimilation capacity, groundwater recharge areas, navigation, hydropower resources, water-based recreation, wetland habitat, fish and wildlife, agriculture, floodplains; and
- Reasonable economic development and job creation.

Water Management Regulation Revisions

In 2010 the Executive Office of Energy and Environmental Affairs (EEA) convened the Sustainable Water Management Initiative (SWMI) for the purpose of incorporating the best available science into the management of the Commonwealth's water resources. SWMI was a multi-year process that included a wide range of stakeholders and support from the Departments of Environmental Protection, Fish and Game, and Conservation and Recreation. In November 2012 the *Massachusetts Sustainable Water Management Initiative Framework Summary* (<https://www.mass.gov/files/documents/2016/08/wf/swmi-framework-nov-2012.pdf>) was released.

On November 7, 2014, the Department adopted revised Water Management Regulations at 310 CMR 36.00 that incorporate elements of the SWMI framework and the Water Conservation Standards adopted by the Massachusetts WRC. The regulations reflect a carefully developed balance to protect the health of Massachusetts' water bodies while meeting the needs of businesses and communities for water.

Without limitation, the Department has incorporated the following into Water Management permitting:

- Safe yield determinations for the major river basins based on a new methodology developed through SWMI (see the Safe Yield in the Buzzards Bay Basin section of this document);
- Water conservation and performance standards reviewed and approved by the WRC in July 2018 (<https://www.mass.gov/files/documents/2018/09/11/ma-water-conservation-standards-2018.pdf>), including without limitation;
- Environmental protections developed through SWMI, including without limitation;
 - protection for coldwater fish resources;
 - minimization of withdrawal impacts in areas stressed by groundwater use;

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- mitigation of the impacts of increasing withdrawals.

Safe Yield in the Buzzards Bay Basin

This permit is being issued under the Safe Yield methodology adopted by MassDEP on November 7, 2014, and described in the Regulations at 310 CMR 36.13. As of the date of issuance of this permit, the safe yield for the Buzzards Bay Basin water source is 148.40 million gallons per day (MGD), and total allocated withdrawals are 82.34 MGD which reflects the minor reduction in allocated volumes in this permit as well. The maximum withdrawals that will be authorized in this permit, and all other permits currently under review by the Department within the Buzzards Bay Basin, will be within the remaining safe yield and may be further conditioned as outlined in the regulations.

Findings of Fact for Permit Conditions in Bay Club Members LLC's Water Management Act Permit

The Findings of Fact for the special conditions included in the permit generally describe the rationale and background for each special condition in the permit. This summary of permit special conditions is not intended to, and should not be construed as, modifying any of the permit special conditions. In the event of any ambiguity between this summary and the actual permit conditions, the permit language shall control.

Special Condition 1, Authorized Withdrawal Volume from Buzzards Bay Basin, specifies the authorized annual average withdrawal volume for the life of this permit. The withdrawal volume for the Bay Club Members LLC is 0.17 million gallons per day (MGD) or 36.38 million gallons per year (MGY) over 214 days from its irrigation wells.

Bay Club was first issued a WMA permit on February 11, 2003 with an authorized withdrawal volume of 0.257 MGD or 55.0 MGY over 214 days from its irrigation wells in the period from February 11, 2003 to May 31, 2006 to accommodate the needs of the initial turf grow-in. After the initial grow-in, the authorized withdrawal volume was reduced to 0.189 MGD or 40.4 MGY over 214 days. Bay Club has requested to decrease its authorized withdrawal volume to 0.17 MGD during the permit renewal process based on its recent water use. MassDEP acknowledged that the water needs at the golf club has decreased since the first WMA permit was issued. Bay Club is required to meter and report its annual withdrawal volume by completing the electronic Annual Report Form for non-public water suppliers.

Special Condition 2, Maximum Authorized Daily Withdrawal Rates from the Authorized Withdrawal Points, reflects the volume of withdrawal expressed as a maximum daily rate for the authorized withdrawal points. The maximum daily pumping rate for Irrigation Well E-3 is 0.11 MGD and for Irrigation Well E-5 is 0.26 MGD. Withdrawals in excess of these maximum daily rates require approval from the Department. During periods when 24 hour continuous pumping is anticipated, pump meters shall be checked twice daily.

Former Special Condition 3, Groundwater and Surface Water Monitoring, required the implementation of the Environmental Monitoring Program presented in the Draft Environmental

Impact Report dated May 31, 2002. Annual Monitoring reports were to be submitted with the Annual Report Forms. According to the Department's records, monitoring reports were received from the permit's issuance until 2017 and again in 2022 and 2023. The monitoring report submitted for 2023 states that fertilizers and pesticide applied at the golf course have not leached to groundwater resources. MassDEP has plans to develop a Total Maximum Daily Load (TMDL) for nitrogen for the Mattapoissett Harbor System. Therefore, this permit condition has been removed and replaced by the new Special Condition 3, total phosphorus and nitrogen application monitoring.

Special Condition 3, Total Phosphorus and Nitrogen Application Monitoring, requires Bay Club to monitor the average fertilizer application rates for different turf areas. Annual Monitoring reports must detail the actual average application rates in lbs. per square feet for different turf areas each year and must be submitted with the electronic Annual Report Forms.

Special Condition 4, Water Conservation Requirements, have been updated and now incorporates the water conservation requirements that are subject to the July 2018 Water Conservation Standards for the Commonwealth of Massachusetts (<https://www.mass.gov/files/documents/2018/09/11/ma-water-conservation-standards-2018.pdf>).

Special Condition 5, Seasonal Demand Management Plan

Consistent with good water conservation practices, permitted golf courses will be required to implement a drought triggered Seasonal Demand Management Plan (SDMP) as a condition of their Water Management Permit. The SDMP, at a minimum, restricts nonessential outdoor water use between May 1st and September 30th when the Secretary of the Executive Office of Energy and Environmental Affairs declares a drought level of "Mild Drought" or higher ("Significant Drought, Critical Drought or Emergency Drought") for the region in which the golf course is located.

The SDMP shall also be implemented at times when streamflow falls below a designated flow trigger measured at an assigned, web-based, real-time U.S. Geologic Survey (USGS) stream gage from May 1st through September 30th. 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 local stream gage meets or exceeds the trigger streamflow for seven consecutive days. If a Level 1-Mild Drought or higher is declared when streamflow falls below the trigger for three consecutive days, the restrictions shall remain in place for the declared drought level where the withdrawals are located until the drought level is updated by the Secretary. The low-flow statistic being applied, referred to as the "7-day low-flow statistic," is the median value of annual 7-day low flows for the period of record for the assigned gage.

Bay Club has been assigned the following USGS stream gage #01105933– Paskamanset River near South Dartmouth, MA. The 7-day low flow at this site is 1.4 cubic feet per second (cfs). Should the reliability of the flow measurement at the Paskamanset River near South Dartmouth gage be so impaired as to question its accuracy, the Permittee may request MassDEP's review

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and approval to transfer to another gage to trigger restrictions. MassDEP reserves the right to require use of a different gage.

Bay Club shall be responsible for tracking the Secretary of Executive Office of Energy and Environmental Affairs drought declarations and recording when drought-triggered restrictions are implemented. Bay Club shall also be responsible for tracking streamflow and recording when streamflow-triggered restrictions are implemented. See the attached SDMP and USGS WaterAlert instructions for tracking information.

The SDMP is intended to address the necessary minimums of acceptable demand management required as dry conditions begin to impact our environment from May through September. Of particular importance in developing your SDMP and in evaluating its effect on your golf course's irrigation, is the recognition of nonessential outside water uses. MassDEP considers the irrigation of tees and greens as essential uses, but fairways and roughs less so.

Section C of the SDMP provides three options for water use reduction. Two options for water use reduction are in table format with the third option being an open-ended alternative approach. The Acres Table requires that you identify the number of acres you irrigate for tees and greens, fairways, roughs, landscaping and ornamentals, along with a percent reduction per unit area with worsening drought. The Time-Table requires that you identify irrigation in timing reduction cycles.

Bay Club submitted a SDMP dated May 9, 2024, that included the Acre-Table reduction approach (See Table 4). This approach has been incorporated into the permit.

Special Condition 6, Chapter 30, Section 61 Permit Findings, have been updated. This condition acknowledged preparation of an Environmental Impact Report under MEPA. In conditioning the permit, MassDEP ensured that the applicant would use all feasible means or measures to avoid, minimize, or mitigate damage to the Environment. Measures that MassDEP deemed necessary to mitigate or prevent harm to the environment have been updated and are included in Special Conditions #3, 4, and 5 of the permit. MassDEP determined that the withdrawal, as conditioned in the Permit, would not cause damage to the Environment.

Mitigation of Impacts for Withdrawals that Exceed Baseline Withdrawals, requires mitigation of the impacts of withdrawals above the permittee's baseline, which is based on withdrawals made during 2003-2005. The calculated baseline withdrawal volume for Bay Club is 0.178 MGD, the amount of water withdrawn during calendar year 2005 plus 5%. Mitigation is not required at this time because Bay Club has requested to lower its authorized volume from 0.189 MGD to 0.17 MGD. Should Bay Club need more than 0.178 MGD they will need to file and obtain a new permit and provide the required mitigation if feasible.

Minimization of Groundwater Withdrawal Impacts in Stressed Subbasins, requires permittees with permitted groundwater sources in subbasins¹ with net groundwater depletion of 25% or more during August to minimize their withdrawal impacts on those subbasins to the greatest extent feasible.

Bay Club's permitted source Irrigation Well E-5 is in a subbasin (#22072) with an August NGD less than 25%, and the Irrigation Well E-3 is in a subbasin (#22099) where August net depletion has not been established. Therefore, Bay Club is not currently required to implement measures to minimize the withdrawal impact.

Coldwater Fish Resource Protection was incorporated into the Water Management Regulations in November 2014. Coldwater Fish Resource Protection is not a condition of this permit because Bay Club's withdrawals do not impact any waters that MA Division of Fisheries and Wildlife has identified as supporting coldwater fish at this time.

¹ Subbasins used for WMA permitting are the 1,395 subbasins delineated by the U.S. Geological Survey in *Indicators of Streamflow Alteration, Habitat Fragmentation, Impervious Cover, and Water Quality for Massachusetts Stream Basins* (Weiskel *et al.*, 2010, USGS SIR 2009-5272).

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Commissioner

WATER WITHDRAWAL PERMIT #9P4-4-24-173.01

This permit is issued pursuant to the Massachusetts Water Management Act (WMA) for the sole purpose of authorizing the withdrawal of a volume of water as stated below and subject to the following special and general conditions. This permit conveys no right in or to any property beyond the right to withdraw the volume of water for which it is issued.

PERMIT NUMBER: 9P4-4-24-173.01

RIVER BASIN: Buzzards Bay

PERMITTEE: Bay Club Members LLC

EFFECTIVE DATE: October 08, 2024

EXPIRATION DATE: September 4, 2032

NUMBER OF WITHDRAWAL POINTS: 2

Groundwater: 2

Surface Water: 0

USE: Golf Course Irrigation

DAYS OF OPERATION: 214

LOCATION:

Source Name	WMA Source ID	Latitude	Longitude	Location
Irrigation Well E-3	WM9057-01G	41°41'23.21"	70°48'11.51"	Off Rte.6 (County Rd.), Mattapoisett
Irrigation Well E-5	WM9057-02G	41°41'4.32"	70°48'24.36"	Off Rte.6 (County Rd.), Mattapoisett

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SPECIAL CONDITIONS

1. Authorized Withdrawal Volume from Buzzards Bay Basin

This permit authorizes Bay Club Members LLC to withdraw water from the Buzzards Bay Basin at the rate described below in Table 1. The permitted volume is expressed both as an annual average daily withdrawal rate (million gallons per day or MGD), and as a total annual withdrawal volume (million gallons per year or MGY) for each permit period over the term of this permit.

The Department of Environmental Protection (MassDEP) bases these withdrawal volumes on the raw water volume from the authorized withdrawal points and will use the raw water volume to assess compliance with the permitted withdrawal volumes.

Table 1: Authorized Annual Withdrawal Volumes

Permit Periods	Total Raw Water Withdrawal Volumes	
	Daily Average (MGD)	Total Annual (MGY)
10/08/2024 to 9/4/2032	0.17	36.38

2. Maximum Authorized Daily Withdrawal Rates from the Authorized Withdrawal Points

Withdrawals from individual withdrawal points are not to exceed the approved maximum daily volumes listed in Table 2 without specific advance written approval from MassDEP. The authorized maximum daily volume is the approved rate of each source. In no event shall the combined withdrawals from the individual withdrawal points exceed the withdrawal volumes authorized above in Special Condition 1.

Table 2: Maximum Daily Withdrawal Volumes

Source Name	WMA Source ID	Maximum Daily Rate
Irrigation Well E-3	WM9057-01G	0.11 MGD
Irrigation Well E-5	WM9057-02G	0.26 MGD

3. Total Phosphorus and Nitrogen Application Monitoring

Bay Club Members LLC shall monitor the average fertilizer application rates for different turf areas. All yearly monitoring reports shall detail the actual average application rates in lbs. per square feet for different turf areas and shall be submitted with the electronic Annual Report Form.

4. Water Conservation Requirements

Bay Club Members LLC shall implement the following water conservation requirements (Table 3).

Table 3. Water Conservation Requirements

a. Metering 100% of water use, and calibrating source meters annually.
b. Implementation of an irrigation system inspection and maintenance program that includes the following on a routine basis: <ul style="list-style-type: none">• Leak detection and repair: Daily monitoring of the golf course to insure no leaks throughout the system are present.• Weekly Sprinkler head maintenance and replacement to ensure proper trajectory, pressure, and rotation• Weekly cleaning or replacing clogged nozzles.
c. Use of a computerized-control irrigation system that allows for irrigation of only those areas in need.
d. Use of portable soil moisture sensors and golf weather apps to increase the efficiency of the irrigation system
e. Irrigating in the early morning or evening hours when evaporation rates are at their lowest, to extent practicable to maintain the turf
f. Regular aerating of turf to increase the percolation of water into the soil
g. Use of mulch materials in planting beds to improve water-holding capacity of the landscaping
h. Use of environmentally safe wetting agents to improve water infiltration and minimize evaporation
i. Use of low water use or native drought tolerant plants to the greatest extent practicable
j. Employee training in water conservation and management

5. Seasonal Demand Management Plan

Bay Club Members LLC shall limit nonessential outdoor water use from May 1st through September 30th as outlined in the Seasonal Demand Management Plan (SDMP). At a minimum, restrictions shall commence when the Secretary of the Executive Office of Energy and Environmental Affairs declares a Level 1- Mild Drought or higher Level 2- Significant Drought, Level 3-Critical Drought, or Level 4-Emergency Drought for the region in which the golf course is located.

The SDMP shall also be implemented at times when streamflow falls below a designated flow trigger measured at an assigned, web-based, real-time U.S. Geologic Survey (USGS) groundwater gage from May 1st through September 30th. 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 local stream gage meets or exceeds the trigger streamflow for seven consecutive days. The low-flow statistic being applied, referred to as the “7-day low-flow statistic,” is the median value of annual 7-day low flows for the period of record for the assigned gage

Bay Club Members LLC has been assigned the following USGS stream gage #01105933–Paskamanset River near South Dartmouth, MA. The 7-day low flow at this site is 1.4 cubic feet per second (cfs).

Bay Club Members LLC is using the Acre-Table Option for its SDMP, which requires that the club reduces irrigation by acres (Table 4).

Table 4. Bay Club Members LLC Seasonal Demand Management Plan

Irrigating Less Acreage as Drought Severity Increases Watering allowed up to designated percent								
Massachusetts Drought Levels	Irrigated Tees & Greens		Irrigated Fairways		Irrigated Roughs		Irrigated Landscape & Ornamentals	
	Percent	Acres	Percent	Acres	Percent	Acres	Percent	Acres
Normal	100%	10	100%	31	100%	40	100%	10
Mild Drought or WMA 7-Day Low Flow Trigger is reached	100%	10	80%†	24.8	50%†	20	0%*	
Significant Drought	100%	10	60%†	18.6	0%	0		
Critical Drought	100%	10	40%†	12.4	0%	0		
Emergency Drought**	TBD	TBD	0%	0	0%	0	0%	
†Irrigation use shall not occur between the hours of 9 a.m. and 5 p.m., except that hand-watering of hot spots may occur at any time.								
* Courses whose core business includes a special event venue may continue to irrigate gardens, flowers and ornamental plants by means of hand-held hose or drip irrigation during a Mild, Significant, or Critical Drought.								
** Mitigation actions to be determined by the Governor’s Emergency Proclamation.								

6. Chapter 30, Section 61 Permit Findings

Bay Club Members LLC's Environmental Impact Report was carefully considered prior to action on their permit request. MassDEP, in issuing this permit, has required that the applicant use all feasible means or measures to avoid or minimize adverse environmental impacts. Measures that MassDEP deems necessary to mitigate or prevent harm to the environment are included in these conditions of approval.

General Permit Conditions (applicable to all Permittees)

1. **Duty to Comply** The Permittee shall comply at all times with the terms and conditions of this permit, the Act and all applicable State and Federal statutes and regulations.
2. **Operation and Maintenance** The Permittee shall at all times properly operate and maintain all facilities and equipment installed or used to withdraw up to the authorized volume so as not to impair the purposes and interests of the Act.
3. **Entry and Inspections** The Permittee or the Permittee's agent shall allow personnel or authorized agents or employees of MassDEP to enter and examine any property, inspect and monitor the withdrawal, and inspect and copy any relevant records, for the purpose of determining compliance with this permit, the Act or the regulations published pursuant thereto, upon presentation of proper identification and an oral statement of purpose.
4. **Water Emergency** Withdrawal volumes authorized by this permit are subject to restriction in any water emergency declared by MassDEP pursuant to M.G.L. c. 21G, §§ 15-17, M.G.L. c. 111, § 160, or any other enabling authority.
5. **Transfer of Permits** This permit shall not be transferred in whole or in part unless and until MassDEP approves such transfer in writing, pursuant to a transfer application on forms provided by MassDEP requesting such approval and received by MassDEP at least thirty (30) days before the effective date of the proposed transfer. No transfer application shall be deemed filed unless it is accompanied by the applicable transfer fee established by 310 CMR 36.37.
6. **Duty to Report** The Permittee shall submit annually, on a form provided by MassDEP, a certified statement of the withdrawal. Such report is to be received by MassDEP by the date specified by MassDEP. Such report must be mailed or hand delivered to the address specified on the report form.
7. **Duty to Maintain Records** The Permittee shall be responsible for maintaining withdrawal records as specified by this permit.
8. **Metering** Withdrawal points shall be metered. Meters shall be calibrated annually. Meter shall be maintained and replaced as necessary to ensure the accuracy of the withdrawal records.
9. **Amendment, Suspension or Termination** The Department may amend, suspend or terminate this permit in accordance with M.G.L. c. 21G or 310 CMR 36.29.

APPEALS

Any person aggrieved by this decision may request an adjudicatory hearing on this Permit by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.01 within twenty-one (21) days of its receipt of this

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.

TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

Permit. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Permit shall be included with a Notice of Claim. No request for an appeal of this Permit shall be validly filed unless a copy of the request is sent at the same time by certified mail, or delivered by hand, to the local water resources management official in the community in which the withdrawal point is located; and for any person appealing this decision, who is not the Permittee, unless such person notifies the Permittee of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent by certified mail or hand delivered to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, Suite 900
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box
Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.



October 8, 2024

Duane LeVangie
Water Management Program Chief
Bureau of Water Resources

Date

ATTACHMENT
Seasonal Limits on Nonessential Outdoor Water Use using 7-Day Low Flow Trigger

Bay Club shall limit nonessential outdoor water use through mandatory restrictions from May 1st through September 30th as outlined in below. To the extent feasible, all summer outdoor water use should take place before 9 am and after 5 pm when evaporation and evapotranspiration rates are lower.

**7-Day Low
Flow
Triggered
Restrictions**

Bay Club should implement the “Level 1- Mild Drought” level water use reductions outlined in its Acre-Reduction Seasonal Demand Management Plan (SDMP):

When USGS stream gage 01105933 –Paskamanset River near South Dartmouth, MA falls below the 7-day low-flow statistic 1.4 **cfs** for three (3) consecutive days.

Once implemented, the restrictions shall remain in place until streamflow at the gage meets or exceeds the trigger streamflow for seven (7) consecutive days.

Instructions for Accessing Streamflow Website Information

Streamflow information is available at the USGS National Water Information System (NWIS): Web Interface. The USGS NWIS default shows Massachusetts streamflow 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. 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, permittees 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 01105933 – Paskamanset River near South Dartmouth, MA.
- Click on the gage number.
- Click “Legacy real-time page.”
- Scroll down to “Provisional Data Subject to Revision – Available data for this site” and click on the drop down menu.
- Click on “Time-series: Daily data” and hit GO.
- Scroll down to the “Available Parameters” box. Within the box, be sure “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 7-Day Low Flow Triggered Restrictions above.

Instructions for Accessing Massachusetts Drought Status
Current Drought Status is available at the Executive Office of Energy and Environmental Affairs Website: https://www.mass.gov/info-details/drought-status .