



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

May 7, 2024

Michael Yunits
Town Manager
70 East Main Street
Norton Town Hall - 1st Floor
Norton, MA 02766

RE Norton Water Department
PWS ID#: 4218000
Water Management Permit 9P3-4-25-218.01
Action: WMA FINAL Withdrawal Permit Renewal

Dear Mr. Yunits:

Please find attached the following:

- Findings of Fact in Support of the Permit Renewal Decision, and
- Water Management Act Permit #9P3-4-25-218.01 for Norton Water Department, Norton, MA.

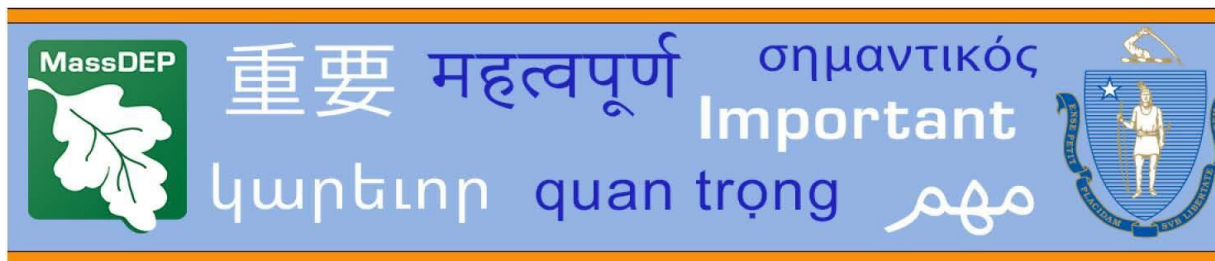
If you have questions regarding the FINAL permit, please contact Beth McCann at elizabeth.mccann@mass.gov.

Very truly yours,

Duane LeVangie, Program Chief
Water Management Act Program

[mass.gov/sharepoint/DWPWMA/PermitRenewals/Taunton/Norton/Town of Norton/Norton-4218000-WMA FINAL Permit 9P342521801-05-07-2024](https://mass.gov/sharepoint/DWPWMA/PermitRenewals/Taunton/Norton/Town%20of%20Norton/Norton-4218000-WMA%20FINAL%20Permit%209P342521801-05-07-2024)

Ecc: Frank Fournier, Superintendent, Norton Water Department
Tara McManus, Weston & Sampson
Jim McLaughlin, MassDEP SERO
Kate Bentsen, DFW
Julia Blatt, Massachusetts Rivers Alliance
Jen Pederson, MWWA
Taunton River Watershed Alliance



Communication for Non-English-Speaking Parties

This document is important and should be translated immediately.

If you need this document translated, please contact MassDEP's Director of Environmental Justice at the telephone number listed below.

Español Spanish

Este documento es importante y debe ser traducido inmediatamente. Si necesita traducir este documento, póngase en contacto con el Director de Justicia Ambiental de MassDEP (*MassDEP's Director of Environmental Justice*) en el número de teléfono que figura más abajo.

Português Portuguese

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繁體中文 Chinese Traditional

本文檔很重要，需要即刻進行翻譯。
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
ហើយត្រូវបានចាត់ទុកថាជាឯកសារសំខាន់។
ប្រសិនបើអ្នកត្រូវការអោយឯកសារនេះបកប្រែ
សូមទាក់ទងនាយកផ្នែកយុត្តិធម៌បរិស្ថានរបស់
MassDEPតាមរយៈលេខទូរស័ព្ទដែលបានរាយនាមខាងក្រោម។

Kriolu Kabuverdianu Cape Verdean

Es dokumentu sta important i tenki ser tradusidu immediatamenti. 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

**Massachusetts Department of Environmental Protection
100 Cambridge Street 9th Floor Boston, MA 02114**

TTY# MassRelay Service 1-800-439-2370 • <https://www.mass.gov/environmental-justice>
(Version revised 8.2.2023) 310 CMR 1.03(5)(a)

Русский Russian

Это чрезвычайно важный документ, и он должен быть немедленно переведен. Если вам нужен перевод этого документа, обратитесь к директору Департамента экологического правосудия MassDEP (MassDEP's Director of Environmental Justice) по телефону, указанному ниже.

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.

հայերեն 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।

Contact Deneen Simpson 857-406-0738

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Findings of Fact in Support of Permit Renewal Decision Norton Water Department Water Management Permit Renewal #9P3-4-25-218.01

The Massachusetts Department of Environmental Protection (MassDEP) makes the following Findings of Fact in support of the attached Water Management Permit #9P3-4-25-218.01 and includes herewith its reasons for issuing the Permit and for conditions of approval imposed, as required by M.G.L. c. 21G, § 11. The issuance of this permit is in response to a water withdrawal permit renewal application submitted on November 19, 2009, by the Norton Water Department (Norton).

Norton's Water Management Act History

Registered Sources: Norton originally registered withdrawals of 1.21 MGD from five sources, Well #1 (01G), Well #2 (02G), Well #3 (03G), Well #4 (04G) and Well #5 (05G) through the Water Management Act program.

Well #1 (01G) was subsequently replaced by Replacement Well #1 (07G), and Well #4 (04G) was replaced by Replacement Well #4 (08G).

In 2003 (letter dated December 2, 2003) it came to the attention of the Department that Well #2 (02G) had been inactive during the 1981-1985 registration period, and therefore the well was removed from Norton's registration. The registered withdrawal volume remains 1.21 MGD. If Norton chooses to reactivate Well #2 in the future, it will need to go through the Department's New Source Approval process. Once approved, Well #2 could be added to Norton's permit through a Permit Amendment Application (WM-02) without an increase in system-wide withdrawals above those already authorized by its permit.

Original Permit, January 10, 1996: Norton's original permit authorized additional withdrawals of up to 0.64 MGD through 2010 from Well #4, #5, and a new Well #6, 4218000-06G, for a total withdrawal of 1.85 MGD including the registration.

The permit required annual monitoring of wetlands and wetland plant species adjacent to Wells #4, #5 and #6.

Amended Permit, November 4, 2003: The Department conducted a 5-year review of Norton's permit. Norton was in compliance with all permit conditions. It was also determined that Norton had submitted the required wetlands monitoring reports to the Department and been notified in the spring of 2000 that wetlands monitoring was no longer required. The monitoring requirements were removed from the permit.

The Permit Extensions

WMA permits issued in the first 20-year permitting cycle for the Taunton River Basin expired on February 28, 2010. All permittees seeking to renew their WMA permit were required to file renewal applications on or before November 30, 2009. Norton filed a timely renewal application and received a one-year Interim Permit,

to February 28, 2011, to continue operations while the permit renewal review was ongoing. The Department published notice of the permit renewal application in the Environmental Monitor on January 27, 2010. (Note the Department re-noticed the application in the March 21, 2018, Environmental Monitor.)

Subsequently, 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. In addition, in a letter of September 15, 2012, the Department informed Norton of the Permit Extension Act, and in a letter of March 28, 2016, informed Norton that the Department would need additional time before making a determination on the application. Pursuant to M.G.L. c. 30A, § 13, and 310 CMR 36.18(7), Norton's permit continues in force and effect until the Department issues a final decision on the permit renewal application.

The expiration date for all permits going forward in the Taunton Basin was further extended by 462 days due to COVID-19 Order No. 42, "Order Resuming State Permitting Deadlines and Continuing to Extend the Validity of Certain State Permits," issued on July 2, 2020. The expiration date for the permits going forward in the Taunton Basin will be June 5, 2031.

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

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

- Impact of the withdrawal on other water sources;
- Water available within the safe yield of the water 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, flood plains; 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* ([Sustainable Water Management Initiative \(SWMI\) Technical Resources | Mass.gov](#)) 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 Taunton River Basin section of this document). For more information on the Safe Yield methodology, go to the November 28, 2012, SWMI Framework Summary and Appendices;

- Water needs forecasts for public water suppliers developed by the Department of Conservation and Recreation, Office of Water Resources (DCR), using a methodology reviewed and approved by the Massachusetts WRC;
- Water supply protection measures for public water supplies including Zone II delineations for groundwater sources, and wellhead and surface water protection measures as required by Massachusetts Drinking Water Regulations (310 CMR 22.00);
- Water conservation and performance standards reviewed and approved by the WRC in July 2018 6 and revised in July 2018 (<https://www.mass.gov/doc/massachusetts-water-conservation-standards-2>), including;
 - performance standard of 10% or less unaccounted-for-water;
 - seasonal limits on nonessential outdoor water use;
 - a water conservation program that includes leak detection and repair, full metering of the system and proper maintenance of the meters, periodic review of pricing, and education and outreach to residents and industrial and commercial water users; and
- Environmental protections developed through SWMI, including;
 - protection for coldwater fish resources;
 - minimization of withdrawal impacts in areas stressed by groundwater use;
 - mitigation of the impacts of increasing withdrawals.

Safe Yield in the Taunton River Basin

This permit is being issued under the safe yield methodology adopted by the Department 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 Taunton River Basin is 134.4 million gallons per day (MGD), and total registered and permitted withdrawals are 93.86 MGD. The withdrawals authorized in this permit and all other permits within the Taunton River Basin, will be within the safe yield and may be further conditioned as outlined in the regulations.

Findings of Fact for Permit Conditions in Norton'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, Maximum Authorized Annual Average Withdrawal Volume (registered plus permitted) can authorize up to a total authorized annual average withdrawal volume based on a final Water Needs Forecast prepared by the Department of Conservation and Recreation (DCR). The DCR forecast for Norton (letter of October 26, 2009) indicate water needs of up to 1.95 MGD by 2030 based on Norton meeting the Massachusetts performance standards of 65 residential gallons per capita day and 10% unaccounted-for-water.

Norton's expiring Water Management permit authorizes withdrawals of up to 1.85 MGD (registered and permitted), therefore this permit renewal cannot exceed 1.85 MGD. In addition, as described in greater detail in Special Condition 10, permittees are required to provide mitigation for withdrawals over a baseline volume. Norton provided a Mitigation Plan that provides the mitigation needed for withdrawals of up to 1.79 MGD. Prior to making withdrawal over 1.79 MGD, Norton must apply for and receive an amended permit (BRPWM02) that includes a Mitigation Plan and Implementation Timetable for additional mitigation activities required to offset withdrawals above 1.79 MGD.

Norton's water use in recent years has been well below the amount currently permitted. Should Norton find water use approaching 1.85 MGD, a new permit application (WM 03) for up to 1.95 MGD may be submitted to MassDEP without seeking a new Water Needs Forecast from DCR.

Norton's Recent Water Use					
Year	2023	2022	2021	2020	2019
Total water use (MGD)	0.94	1.24	1.17	1.22	1.16

Special Condition 2, Maximum Authorized Daily Withdrawals from Groundwater Withdrawal Points, specifies the maximum daily withdrawal rates by source, according to the approved rates established by MassDEP's Drinking Water Program. Replacement sources for Wells #5 and #6 were brought online in 2022 and have been added to the permit. In both cases, the replacement wells have the same maximum daily withdrawal rate and Zone II delineations as the well they replace. If both the old well and its replacement remain active, the combined withdrawal is capped at the originally approved maximum daily rate. Withdrawals in excess of these maximum daily rates require prior approval from MassDEP.

Special Condition 3, Groundwater Supply Protection, requires MassDEP-approved Zone II delineations for all permitted PWS groundwater sources. Norton has approved Zone II delineations for all permitted.

Special Condition 4, Wellhead Protection, requires public water supply (PWS) permittees to implement appropriate wellhead protection zoning and non-zoning controls in accordance with Wellhead Protection Regulations at 310 CMR 22.21(2). Norton has adopted land use controls and water supply protection measures meeting the requirements of the Wellhead Protection Regulations at 310 CMR 22.21(2) for all permitted wells.

Special Condition 5, Performance Standard for Residential Gallons Per Capita Day Water (RGPCD) and **Special Condition 6, Performance Standard for Unaccounted for Water (UAW)** are part of the *Water Conservation Standards for the Commonwealth of Massachusetts* adopted by the MA Water Resources Commission in July 2018 and can be found at <https://www.mass.gov/files/documents/2018/09/11/ma-water-conservation-standards-2018.pdf>.

The RGPCD performance standard required of all Public Water Supply (PWS) permittees is 65 gallons per person per day. Permittees that cannot meet the performance standard within the timeframe in the permit must meet Functional Equivalence requirements outlined in Appendix A. Norton's RGPCD for the years 2019-2022 met the performance standard.

Norton's Residential Gallons Per Capita Day				
2023	2022	2021	2020	2019
Under review/not yet available	36	42	50	40

The UAW performance standard required of all PWS permittees is 10% for 2 out of every 3 years. Permittees that cannot comply within the timeframe in the permit must meet Functional Equivalence requirements based on the AWWA/IWA Water Audits and Loss Control Programs, Manual of Water Supply Practices M36, as outlined in Attachment B. Norton's UAW for the years 2019-2022 has fluctuated above and below the 10% performance standard.

Norton's Unaccounted-for-Water				
2023	2022	2021	2020	2019
Under review/not yet available	14%	11%	3%	13%

Special Condition 7, Limits on Nonessential Outdoor Water Use reflects MassDEP's minimum restrictions on nonessential outdoor water use from May through September.

NOTE: Norton's regulation stating that "All outside water use is restricted to handheld hoses only...No lawn sprinkler or irrigation system of any kind are allowed to be connected to the municipal water system ever." (Rules and Regulations of the Norton Water Department under the authority of the General Laws, Acts of the State Legislature of the Commonwealth of Massachusetts, Section 2.13), has been found by MassDEP to be at least as restrictive as minimum restrictions on nonessential outdoor water use in Special Condition 7, Limits on Nonessential Outdoor Water Use.

Therefore, Norton may continue to implement Section 2.13 in place of the Nonessential Outdoor Water Use restrictions in Special Condition 7. If the regulation is changed or rescinded during the term of this permit, Norton is required to implement Special Condition 7, Limits on Nonessential Outdoor Water Use. If Section 2.13 is rescinded or revised during the term of this permit, Norton shall notify MassDEP.

See also Special Condition 9, Minimization of Groundwater Withdrawal Impacts in Stressed Subbasins, for minimization requirements should Section 2.13 be discontinued.

Each year Norton may choose one of two options for implementing nonessential outdoor watering restrictions.

- **Calendar triggered restrictions** are in place from May 1st through September 30th. Many public water suppliers find this option easier to implement and enforce than the streamflow triggered approach.
- **Streamflow triggered restrictions** are implemented at those times when streamflow falls below designated flow triggers 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 commence when streamflow falls below the trigger for three consecutive days. Once implemented, the restrictions remain in place until streamflow at the assigned USGS local stream gage meets or exceeds the trigger streamflow for seven consecutive days.

The streamflow triggers are based on Aquatic Base Flow (ABF) levels that are protective of aquatic habitat for fish spawning during the spring bioperiod (May – June), and protective of flows for fish rearing and growth during the summer bioperiod (July – September). The flow levels are simulated natural flow values calculated by the Sustainable Yield Estimator (SYE)¹ from index gage flow data which represent the least altered stream flows in Massachusetts and applied to the assigned local USGS stream gage.

If Norton selects the streamflow trigger approach, it has been assigned USGS Stream Gage 01109000 – Wading River near Norton, MA. The May - June streamflow trigger is 39 cubic feet per second (cfs), and the July – September streamflow trigger is 15 cfs. Should the reliability of flow measurement at the Wading River gage be so impaired as to question its accuracy, Norton may request MassDEP's review and approval to transfer to another gage to trigger restrictions. MassDEP reserves the right to require use of a different gage.

- **The 7-Day Low Flow Trigger** at which restrictions increase, is incorporated into both Calendar and Streamflow Triggered restrictions in order to provide additional protection to streamflows when flows are very low. The 7-day low flow trigger is based on the median value of annual 7-day low flows for the

¹ Archfield, S.A., Vogel, R.M., Steeves, P.A., Brandt, S.L., Weiskel, P.K., and Garabedian, S.P., 2010, The Massachusetts Sustainable-Yield Estimator: A decision-support tool to assess water availability at ungaged stream locations in Massachusetts: U.S. Geological Survey Scientific Investigations Report 2009–5227, 41 p. plus CD-ROM. See <http://pubs.usgs.gov/sir/2009/5227/>

period of record. The 7-day low flow trigger for the USGS Stream Gage 01109000 – Wading River near Norton, MA is 4.3 cfs.

This permit condition does not confer enforcement authority to the permittee. Norton's Rules and Regulations of the Water Department, Section 2.13 includes enforcement authority and establishes penalties for violations of the outdoor water use restrictions.

Special Condition 8, Water Conservation Requirements, incorporates the Water Conservation Standards for the Commonwealth of Massachusetts adopted by the MA Water Resources Commission in July 2018 (<https://www.mass.gov/files/documents/2018/09/11/ma-water-conservation-standards-2018.pdf>).

Special Condition 9, Minimization of Groundwater Withdrawal Impacts in Stressed Subbasins, requires permittees with permitted groundwater sources in subbasins² with August net groundwater depletion (NGD) of 25% or more to minimize their withdrawal impacts in those subbasins to the greatest extent feasible through optimization of groundwater source use, surface water releases to improve streamflows, outdoor water use restrictions and water conservation programs that go beyond standard Water Management permit requirements.

Norton's three permitted wells, Replacement Well #4 (08G), Well #5 (05G), and Well #6 (06G), as well as Well #3 (03G) which is registered but not permitted, are in Subbasin 24031 which is 63.7% net groundwater depleted during August. Norton's Replacement Well #1 (07G), which is also registered but not permitted, and Well #2 which has been inactive for many years due to water quality issues, are in Subbasin 24064 which is less than 25% net groundwater depleted during August.

Based on MassDEP's records and information submitted by Norton, MassDEP finds that minimization requirements will be met as follows:

- Continued implementation of conservation measures that contribute to the Town's low per capita water use (an average RGPCD of below 50 for the past five years) is required in **Special Condition 9**.
- The limits on nonessential outdoor water use set forth in Norton's Water Department Rules and Regulations, Section 2.13 are incorporated into Norton's minimization plan. If Section 2.13 is rescinded or revised during the term of this permit, Norton shall notify MassDEP of the change to this minimization plan.
- Additional conservation measures included in Special Condition #9 are to be implemented. At the next permit review Norton will be required to report on its efforts to implement the additional conservation measures.

Norton has no surface water supplies and, therefore, cannot make releases to improve streamflow.

Replacement Well #1, Norton's only well located in a subbasin that is not August NGD by more than 25%, is relatively small (approved yield of 0.29 MGD) and has production constraints due to high manganese levels. Its

² 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). The Water Management Regulations, 310 CMR 36.03, define August net groundwater depletion (NGD) to mean the unimpeded median flow for August minus 2000-2004 groundwater withdrawals plus 2000-2004 groundwater returns described by U.S. Geological Survey in *Indicators of Streamflow Alteration, Habitat Fragmentation, Impervious Cover and Water Quality for Massachusetts Stream Basins*. A subbasin is groundwater, depleted if it has an August NGD of greater than 25%.

production has fallen over time. Shifting summer pumping to Replacement Well #1 is not a feasible option because of the reduced capacity and water quality constraints. (See discussion below in Downstream Subbasin Evaluation and Response to Comments section on Replacement Well #1.)

Special Condition 10, Mitigation of Impacts for Withdrawals that Exceed Baseline Withdrawals, requires mitigation for withdrawals over a baseline volume. Baseline withdrawal is the volume of water withdrawn during calendar year 2005 plus 5%, or the average annual volume withdrawn from 2003 through 2005 plus 5%, whichever is greater provided that:

- a) baseline cannot be less than a permittee's registered volume;
- b) baseline cannot be greater than the permittee's authorized volume for 2005; and
- c) if, during the period from 2003 to 2005, the permittee's withdrawals from the water source were interrupted due to contamination of the source or construction of a treatment plant, MassDEP will use best available data to establish a baseline volume from the water source.

Baseline Withdrawal and Mitigation Calculation: Norton's baseline is 1.43 MGD, based on withdrawals made in 2005 plus 5%. Norton's water withdrawals in recent years have been below the 1.43 MGD baseline.

Norton's Annual Daily Withdrawal Rate (MGD)					
Year	2023	2022	2021	2020	2019
Total water use (MGD)	0.94	1.24	1.17	1.22	1.16

Wastewater Adjustment: Permittees must mitigate any increases in withdrawals above baseline commensurate with impact. A "wastewater adjustment" is calculated for water withdrawals that are returned to the ground as wastewater within the same major basin. MassDEP assumes that 85% of water delivered to customers with septic systems will be returned to the ground, thus reducing the amount of mitigation needed.

Mitigation Calculation: The mitigation volume calculation below assumes that Norton's future withdrawals will be discharged to on-site septic systems at the same rate (80%) as current water withdrawals. After calculating the adjustment for authorized withdrawals over baseline that will be returned to groundwater through septic system discharge (Step 2 below), Norton's total mitigation requirement will be up to 130,000 gallons per day (Step 3 below).

Norton's Wastewater Adjustment Calculation for Mitigation	
1. Permitted amount above Baseline = 0.42 MGD	
• Permitted amount above Baseline: $1.85 - 1.43 = 0.42$ MGD	
2. Adjustment for Wastewater Discharge to Local Groundwater = 0.29 MGD	
• 80% of increased withdrawals are delivered to areas with on-site septic systems: $0.42 \text{ MGD} \times 0.80 \text{ (80\%)} = 0.336 \text{ MGD}$	
• 85% of water delivered to areas with on-site septic systems returns to groundwater: $0.34 \text{ MGD} \times 0.85 \text{ (85\%)} = 0.289 \text{ MGD}$	
3. Amount to be Mitigated after Adjustment for Wastewater Discharge to Local Groundwater = 0.13 MGD	
• Permitted amount above baseline (0.42 MGD) – adjustment for wastewater discharge to local groundwater (0.29 MGD) = 0.13 MGD or 130,000 gallons per day	

Mitigation Credit: Water Management permits can include both direct and indirect mitigation activities.

- Direct mitigation credit, for activities which will improve streamflow as a result of increased groundwater recharge, decreased stormwater runoff to streams, or by surface water releases, must be considered first in mitigation planning.
- If the required mitigation cannot be achieved through direct mitigation, then the applicant must evaluate indirect mitigation activities that provide environmental improvements that will compensate for streamflow impacts, but which cannot be volumetrically quantified.
- Indirect mitigation activities are assessed on a credit system for the benefits of a particular action. Each indirect credit is equal to 10,000 gpd.

Direct Mitigation can be provided through surface water releases to improve streamflow, recharging stormwater to the ground, improvements to the sewer collection system to reduce infiltration and inflow (I&I).

- Norton has no stormwater recharge projects or Infiltration and Inflow (I/I) control programs that would qualify for direct mitigation credit.
- Norton does not control any impoundments that could be used to supplement downstream flows through controlled releases.

Indirect Mitigation, activities that result in environmental improvements that will compensate for streamflow impacts, is required when a permittee has insufficient direct mitigation credit. Indirect mitigation activities are scored according to a qualitative credit system. Each indirect credit is equal to 10,000 gallons per day. Thirteen indirect mitigation credits are required to mitigate potential impacts of Norton's full permit authorization.

Norton's current mitigation plan includes activities that provide 11 indirect mitigation credits. The amount of indirect mitigation provides the mitigation needed for withdrawals of up to 1.79 MGD.

Norton's Indirect Mitigation Credit		
Town of Norton Stormwater Management Bylaw, adopted 10/17/16, amended 5/14/18	1.5 credit: extends jurisdiction to the entire municipality 1.5 credits: requires infiltration in accordance with the MA Stormwater Handbook (1), and treatment of 1 inch of runoff for new development (0.5) 1 credit: applies to projects 1 acre and larger	4 credits
63.2 acres of land on Lincoln St. acquired in 2014 by the Norton Conservation Commission for natural resource protection	Conservation land that is not Priority Conservation Land*, but that is protected for wildlife and habitat conservation purposes is eligible for 0.1 credits per acre up to a maximum of 5 credits.	5 credits
Norton's January 7, 2019, submission of "Norton MA-314CMR 12.04-Infiltration/Inflow (I/I) & Flow Monitoring Program Summary Report"	1 credit: O&M plan including monitoring methods, locations, duration, frequency, and funding 1 credit: I/I Analysis study and on-going monitoring plan	2 credits
Total Indirect Mitigation Credit Available		11 credits
*Priority Conservation Land: Core Habitat and Critical Natural Landscapes as mapped as part of the BioMap2; vernal pools and abutting land; NHESP priority habitat of rare and endangered species; Areas of Critical Environmental Concern; and aquatic buffer zones of Coldwater Fishery Resources and Outstanding Resource Waters.		

Prior to making withdrawals of more than 1.79 MGD, Norton shall submit a Water Management Permit Amendment Application (BRPWM02) that includes a Mitigation Plan and Implementation Timetable for additional mitigation activities. In developing a Mitigation Plan and Implementation Timetable, Norton will be required to review Direct Mitigation before Indirect. If, during the life of this permit, Norton conducts a full I/I

analysis or SSER, those studies and any resulting I/I work in areas with excessive infiltration, can be reviewed by the Water Management Program and evaluated for additional direct and indirect mitigation credit.

Special Condition 11, Requirement to Report Raw and Finished Water Volumes, ensures that the information necessary to evaluate compliance with the conditions included herein is accurately reported.

Downstream Subbasin Evaluation was incorporated into the Water Management Regulations in November 2014. Applicants must demonstrate that there is no feasible alternative source that will be less environmentally harmful if the requested increase above their baseline withdrawal will:

- individually change the Biological Category (BC) and Groundwater Withdrawal Category (GWC) of any subbasins downstream of their permitted withdrawal sources; or
- be more than 5% of unimpacted August median flow in the subbasins where they withdraw and that potentially contribute to a downstream change in BC or GWC.

MassDEP evaluated the impact of Norton's potential increase above baseline on the BC and GWC of all subbasins downstream of the permitted withdrawal sources in the Taunton Basin. That evaluation showed that Norton's withdrawals individually will not change a GWC or BC of any downstream subbasin. However, Norton's increase above baseline will be more than 5% of the unimpacted August median flow in Subbasin 24031 (Wells #4 (08G), #5 (05G), and #6 (06G), and #3 (03G) which is registered but not permitted) and could contribute, in the future along with other permitted sources, to a change in the GWC of a downstream subbasin.

MassDEP review found that Norton's only alternative was too potentially shift production to Replacement Well #1 in Subbasin 24064, which is not August NGD. However, Replacement Well #1 is relatively small (approved yield of 0.29 MGD), has production constraints needed to maintain water quality due to high manganese levels, and has seen reduced production over time. Therefore, shifting summer pumping to Replacement Well #1 has not been deemed a feasible option. However, Norton is now exploring options for increasing pumping and treatment at Replacement Well #1. Should Norton move forward, Replacement Well #1 will likely require water quality treatment, a new Zone II delineation and New Source Approval and the well would need to be added to Norton's WMA permit through a Permit Amendment (WM02).

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 Norton's withdrawals do not impact any waters that the MA Division of Fisheries and Wildlife has identified as supporting coldwater fish.

Response to Comments Received re Norton's Draft Water Management Permit

MassDEP received comments on the DRAFT permit from Massachusetts Rivers Alliance (MRA) (5/9/2022). Comments centered on an alternative source, minimization and mitigation planning.

MRA's comments also commended Norton on:

- The Town's complete ban on nonessential outdoor water use (apart from handheld hoses) and ban on sprinkler or irrigation hookups to the PWS system. (*Norton Water Department's Regulations, Section 2.13*)
- RGPCD and UAW which are consistently lower than the standards set in the "Massachusetts Water Conservation Standards", July 2018.

Well #2 as an Alternative Source: Comments centered on bringing Norton's inactive Well #2 in Subbasin 24064 back on-line as an alternative to Wells #4, #5, and #6 in Subbasin 24031. Well #2 is currently classified as Inactive source. It has been off-line due to poor water quality since the Water Management Registration period (January 1, 1981 – December 31, 1985) and has never been included in Norton's registration or permit.

Norton is exploring options for increasing pumping from Replacement Well #1, adjacent to Well #2. To increase pumping from Replacement Well #1 will require developing treatment for the well and taking the source through the MassDEP New Source Approval Process. Should Norton move forward with plans to increase pumping from Replacement Well #1, the well would need to be added to the Water Management permit through a permit amendment (WM02).

Minimization Planning: Water Management Act Permittees with groundwater sources in subbasins having a net groundwater depletion (August NGD) of 25% or greater are required to minimize the impact of their withdrawals. Because all of Norton's permitted groundwater sources are in subbasins with an August NGD greater than 25%, the Modified WMA Permit requires that Norton satisfy this requirement. More specifically, the Modified WMA Permit requires Norton to continue to implement water conservation measures that go beyond the Water Conservation Standards for the Commonwealth of Massachusetts adopted by the MA Water Resources Commission in July 2018 and incorporated into Special Condition 8 of this permit, including advanced metering infrastructure that allows the Town to read meters remotely, increasing block rates, quarterly billing, and notification to customers of high/low water usage and penalties for unauthorized water use.

In addition, the required minimization program includes Norton's ban on connecting any type of sprinkler or automated irrigation system to the public water system. Norton's requirement has been found by MassDEP to be at least as restrictive as minimum restrictions on nonessential outdoor water use typically required in Water Management permits.

As described in this Findings of Fact, MassDEP determined that:

- use of the Town's Well #2 is not a feasible alternative at this time due to water quality constraints. Well #2 would require treatment, a Zone II delineation and approval through the MassDEP New Source Approval process prior to coming on-line. Should Norton pursue bringing the well back on-line, it can be added to this permit through an amendment. As noted above, Norton is now evaluating increasing the pumping from Replacement Well #1, which could result in an outcome similar to returning Well #2 to service by increasing the pumping in subbasin 24064.
- MassDEP recognized that the Town had no surface water impoundments from which it could release water into the groundwater depleted subbasins.

In these circumstances, MassDEP concluded that the Town lacked feasible minimization options other than their conservation program, and outdoor water use regulations.

In their comments, MassRivers stated the position that the minimization requirements were insufficient and urged MassDEP to require projects aimed at directly recharging groundwater in Subbasin 24301. In permitting, MassDEP emphasizes the need to reduce withdrawals in order to reduce impacts in August NGD subbasin, and notes that Norton's conservation program has been effective. The Town's residential per capita water use (RGPCD) has been at least 25% below the Massachusetts performance standard in recent years.

Mitigation Planning:

In their comments, MassRivers stated the position that, although Norton's conservation efforts are exemplary, the mitigation requirements are insufficient to improve and restore degraded subbasins, and further, urged MassDEP to require projects aimed at directly recharging groundwater in Subbasin 24301.

Mitigation to Improve and Restore Degraded Subbasins: Water Management Act (310 CMR 36.00) regulations (310 CMR 36.00) do not refer to or require restoration in the permitting process. Per the WMA regulations at 36.02, "310 CMR 36.00 is intended to establish enforceable standards, criteria and procedures ... to ensure an appropriate balance among competing water withdrawals and uses and the preservation of the water resource."

In permitting, MassDEP emphasizes the need to mitigate the impacts that may result from a permittee's additional withdrawals needed to meet forecast water needs. In addition to minimizing withdrawals through its exemplary conservation program and low per capita water use, Norton has been proactive in adopting a stormwater by-law that goes beyond minimum requirements and as such, will provide protection additional for Norton's environmental resources and mitigate any possible withdrawal impacts. Likewise, the Norton Conservation Commission has bought and protected a large tract of land that will remain undeveloped in the future, thus ensuring future environmental continuity and protection in the Town. MassDEP supports these sorts of proactive and forward-looking forms of environmental protection through awarding indirect mitigation credit when a permittee has demonstrated that there are no feasible opportunities for direct mitigation. In this way, the Town can mitigate any potential further degradation, or "backsliding", of environmental conditions referenced in MRA comments.

Recharging Groundwater in Subbasin 24031: Specific requirements to promote recharge and restore groundwater are addressed in regulations on mitigation planning (36.22(6)). Norton evaluated its direct mitigation options in the mitigation planning process and was found to have no viable groundwater recharge options at this time in subbasin 24031.

Mitigation Required Prior to Amending this Permit: MRA requested a clearer description of mitigation requirements that must be met before Norton can receive a permit amendment to withdraw more than 1.79 MGD. In response, MassDEP added "provide documentation of implementation and all on-going maintenance of mitigation required in this permit" to the Permit Amendment requirements in Special Condition 10. Also note that if Norton applies for a permit amendment for withdrawals of over 1.79 MGD, Norton will be required to "evaluate direct mitigation activities" (310 CMR 36.22(6)(a)) prior to proposing and implementing indirect mitigation as part of developing any future mitigation plans required prior to making withdrawals over 1.79 MGD.

Other comments:

MRA requested that MassDEP strike "To the extent feasible, all summer outdoor water use should take place before 9 a.m. and after 5 p.m. when evaporation and evapotranspiration rates are lower" from Special Condition 7 of the permit. This language is standard permit language in the nonessential outdoor water use restrictions for PWS permittees. Such a general policy change goes beyond the scope of the individual permit at issue here.

MRA requested that MassDEP add language requiring Norton to follow the state's guidance on nonessential outdoor water use restrictions at various drought levels once a drought is declared. This language is consistent with the restrictions currently required in other WMA permits in the Taunton River Basin. MassDEP works to maintain consistency in permit requirements, to the extent practicable, so such a general policy change goes beyond the scope of the individual permit at issue here. Please note that MassDEP provides individual letters to all affected WMA registrants and permittees whenever the Secretary of Energy and Environmental Affairs issues a drought declaration. In addition to information about the drought conditions in their Drought Region, the letter includes specific guidance on Instituting Non-Essential Outdoor Water Use Restrictions During Declared Drought based on the 2019 Massachusetts Drought Management Plan. Norton will receive this letter whenever a drought is declared in the Southeast Drought Region.



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Secretary

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Commissioner

WATER WITHDRAWAL PERMIT
Town of Norton
Water Management Permit 9P3-4-25-218.01

This renewal of Permit 9P3-4-25-218.01 is issued pursuant to the Massachusetts Water Management Act 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: 9P3-4-25-218.01 **BASIN:** Taunton

PERMITTEE: Town of Norton
70 East Main Street
Norton, MA 02766

EFFECTIVE DATE: May 7, 2024

EXPIRATION DATE: June 5, 2031

NUMBER OF WITHDRAWAL POINTS: Groundwater: 3 Surface Water: 0

USE: Public Water Supply

DAYS OF OPERATION: 365

AUTHORIZED WITHDRAWAL POINTS:

Table 1: Norton Withdrawal Points		
Source Name	PWS Source ID	Location
Replacement Well #4	4218000-08G	Plain Street
Well #5 & Well #5A	4218000-05G 4218000-10G	Plain Street
Well #6 & Well #6A	4218000-06G 4218000-11G	Plain Street

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

SPECIAL CONDITIONS

1. Maximum Authorized Annual Average Withdrawal Volume

This permit authorizes the Town of Norton (Norton) to withdraw water from the Taunton River Basin at the rate described in Table 2 below. The permitted withdrawal rate is in addition to the 1.21 million gallons per day (MGD) previously authorized for Norton under Water Management Act Registration #42521801. The permitted volume is expressed both as an 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 five-year period of the permit term.

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

Table 2: Authorized Withdrawals				
Permit Periods	Total Raw Water Withdrawal Volumes			
	Permit		Registration + Permit	
	Daily Average (MGD)	Total Annual (MGY)	Daily Average (MGD)	Total Annual (MGY)
5/6/2024 to 6/5/2026	0.59	215.35	$1.21 + 0.59 = 1.80^*$	657.00
6/6/2026 to 6/5/2031	0.64	233.60	$1.21 + 0.64 = 1.85^*$	675.25

* Prior to making withdrawals greater than 1.79 MGD, Norton shall apply for and receive an amended permit (BRPWM02) that includes a Mitigation Plan and Implementation Timetable for additional mitigation activities required to offset withdrawals above 1.79 MGD. See Special Condition 10.

2. Maximum Authorized Daily Withdrawals from Groundwater Withdrawal Points

Withdrawals from individual withdrawal points are not to exceed the approved maximum daily volumes listed in Table 3 without specific advance written approval from the Department. The authorized maximum daily volume is the approved rate of each source based on DEP-approved Zone II delineations.

Table 3: Maximum Daily Withdrawal Rates		
Source Name	PWS Source ID	Maximum Daily Rate (MGD)
Replacement Well #4	4218000-08G	0.65
Well #5	4218000-05G	Combined rate for both wells is 1.01
Well #5A	4218000-10G	
Well #6	4218000-06G	Combined rate for both wells is 0.86
Well #6A	4218000-11G	

3. Zone II Delineations

MassDEP records indicate that all of Norton's sources have approved Zone II delineations.

4. Wellhead Protection

MassDEP records indicate that Norton has adopted land use controls and water supply protection measures meeting the requirements of the Wellhead Protection Regulations at 310 CMR 22.21(2).

5. Performance Standard for Residential Gallons Per Capita Day Water Use

Norton's performance standard for residential gallons per capita day (RGPCD) is 65 gallons or less. Norton shall report its RGPCD water use annually in its Annual Statistical Report (ASR).

If Norton does not meet the standard at any time during the permit period, Norton shall implement an on-going program that ensures “best practices” for controlling residential water use as described in the functional equivalence requirements in Appendix A of this permit.

6. Performance Standard for Unaccounted-for-Water (UAW)

Norton’s Performance Standard for Unaccounted for Water (UAW) is 10% or less of overall water withdrawal for 2 of the most recent years 3 throughout the permit period. Norton shall report its UAW annually in its Annual Statistical Report (ASR).

Nothing in the permit shall prevent a permittee who meets the 10% performance standard from demonstrating compliance with the UAW performance standard by developing and implementing a water loss control program following the *AWWA M36 Water Audits and Loss Control Programs*. Permittees meeting the Performance Standard for Unaccounted for Water through implementation of a water loss control program based on AWWA M36 annual water audits and guidance shall continue to report UAW annually as required in the Annual Statistical Report for public water suppliers.

If Norton does not meet the standard, it shall be in compliance with the functional equivalence requirements based on the *AWWA/IWA Water Audits and Loss Control Programs, Manual of Water Supply Practices M36*, as outlined in Appendix B.

7. Seasonal Limits on Nonessential Outdoor Water Use

Norton’s regulation stating that “All outside water use is restricted to handheld hoses only...No lawn sprinkler or irrigation system of any kind are allowed to be connected to the municipal water system ever.” (Rules and Regulations of the Norton Water Department under the authority of the General Laws, Acts of the State Legislature of the Commonwealth of Massachusetts, Section 2.13), has been found by MassDEP to be at least as restrictive as minimum restrictions on nonessential outdoor water use in Special Condition 7, Limits on Nonessential Outdoor Water Use.

Therefore, Norton may continue to implement Section 2.13 in place of the following Nonessential Outdoor Water Use restrictions. If the regulation is changed or rescinded during the term of this permit, Norton is required to implement Special Condition 7, Limits on Nonessential Outdoor Water Use, below. If Section 2.13 is rescinded or revised during the term of this permit, Norton shall notify MassDEP.

Special Condition 7: Norton 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 a.m. and after 5 p.m. when evaporation and evapotranspiration rates are lower.

Table 4: Seasonal Limits on Nonessential Outdoor Water Use	
Restrictions if Norton has met the 65 RGPCD Standard for the preceding year RGPCD was 65 or less as reported in the ASR and accepted by MassDEP	
Calendar Triggered Restrictions	<p>Nonessential outdoor water use is restricted to:</p> <ul style="list-style-type: none">a) two (2) days per week before 9 a.m. and after 5 p.m.; andb) one (1) day per week before 9 a.m. and after 5 p.m. <p>when USGS stream gage 01109000 – Wading River near Norton, MA falls below 4.3 cfs for three (3) consecutive days.</p> <p>Once streamflow triggered restrictions are implemented, they shall remain in place until streamflow at the gage meets or exceeds 4.3 cfs for seven (7) consecutive days.</p>

Table 4: Seasonal Limits on Nonessential Outdoor Water Use	
Streamflow Triggered Restrictions	<p>Nonessential outdoor water use is restricted to:</p> <p>a) two (2) days per week before 9 a.m. and after 5 p.m. when USGS stream gage 01109000 – Wading River near Norton, MA falls below:</p> <ul style="list-style-type: none"> May 1 – June 30: 39 cfs for three (3) consecutive days July 1 – September 30: 15 cfs for three (3) consecutive days <p>b) one (1) day per week before 9 a.m. and after 5 p.m. when USGS stream gage 01109000 – Wading River near Norton, MA falls below 4.3cfs for three (3) consecutive days.</p> <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>
<p>Restrictions if Norton has not met the 65 RGPCD standard for the preceding year RGPCD was more than 65 as reported in the ASR and accepted by MassDEP</p>	
Calendar Triggered Restrictions	Nonessential outdoor water use is restricted to one (1) day per week before 9 a.m. and after 5 p.m.
Streamflow Triggered Restrictions	<p>Nonessential outdoor water use is restricted to one (1) day per week before 9 a.m. and after 5 p.m. when USGS stream gage 01109000 – Wading River near Norton, MA falls below:</p> <ul style="list-style-type: none"> May 1 – June 30: 39 cfs for three (3) consecutive days July 1 – September 30: 15 cfs for three (3) consecutive days <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	
<p>If the Norton chooses Streamflow Triggered Restrictions, Norton shall be responsible for tracking streamflows and recording and reporting to MassDEP when restrictions are implemented.</p>	
<p>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 quarter-hourly, reading made at each USGS stream gage.</p> <p>Seasonal Nonessential Outdoor Water Use Restrictions 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, permittees must use the mean daily streamflow from the preceding day when tracking streamflows.</p> <p>Mean daily streamflow gage readings are available at the USGS NWIS Web Interface at http://waterdata.usgs.gov/ma/nwis/current/?type=flow.</p> <ul style="list-style-type: none"> Scroll down to 01109000 – Wading River near Norton, MA. Click on the gage number. Scroll down to “Provisional Date 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 Streamflow Triggered Restrictions above. 	

Table 4: Seasonal Limits on Nonessential Outdoor Water Use

Norton shall document compliance with the Seasonal Nonessential Outdoor Water Use Restrictions annually in its Annual Statistical Report (ASR), and indicate whether it anticipates implementing calendar triggered restrictions or streamflow triggered restrictions during the next year.

Restricted Nonessential Outdoor Water Uses

Nonessential outdoor water uses that are subject to mandatory restrictions include:

- irrigation of lawns via automatic irrigation systems or sprinklers;
- filling swimming pools;
- washing vehicles, except in a commercial car wash or as necessary for operator safety; and
- washing exterior building surfaces, parking lots, driveways or sidewalks, except as necessary to apply surface treatments such as paint, preservatives, stucco, pavement or cement.

The following uses may be allowed when mandatory restrictions are in place:

- irrigation to establish a new lawn and new plantings during the months of May and September;
- irrigation of public parks and recreational fields before 9 a.m. and after 5 p.m.;
- irrigation of gardens, flowers and ornamental plants by means of a hand-held hose or drip irrigation system; and
- irrigation of lawns by means of a hand-held hose.

Water uses NOT SUBJECT to mandatory restrictions are those required:

- for health or safety reasons;
- by regulation;
- for the production of food and fiber;
- for the maintenance of livestock; or
- to meet the core functions of a business (for example, irrigation by golf courses as necessary to maintain tees, greens, and minimal fairway watering, or irrigation by plant nurseries as necessary to maintain stock).

Public Notice of Seasonal Nonessential Outdoor Water Use Restrictions

Norton shall notify its customers of the restrictions, including a detailed description of the restrictions and penalties for violating the restrictions, by April 15th each year.

Notice that restrictions have been put in place shall be filed each year with the Department within 14 days of the restriction's effective date. Filing shall be in writing on the form "Notification of Water Use Restrictions" available on MassDEP website.

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

8. Water Conservation Requirements

At a minimum, Norton shall implement the following conservation measures forthwith. Compliance with the water conservation requirements shall be reported to the Department upon request or at the time of permit renewal unless otherwise noted below.

Table 5: Water Conservation Requirements

Leak Detection

1. At a minimum, conduct a full leak detection survey every three years. The first full leak detection survey shall be completed no later than 3 years from the date of this permit. **MassDEP notes that Norton's last system-wide leak detection survey was conducted in 2009.**

Table 5: Water Conservation Requirements

2. Conduct leak detection of the entire distribution system within one year whenever the percentage of UAW increases by 5% or more (for example an increase from 3% to 8%) over the percentage reported on the ASR for the prior calendar year. Within 60 days of completing the leak detection survey, submit to the Department a report detailing the leak detection survey, any leaks uncovered as a result of the survey or otherwise, dates of repair and the estimated water savings as a result of the repairs.
3. Conduct field surveys for leaks and repair programs in accordance with the AWWA Manual 36.
4. Repair reports shall be kept available for inspection by the Department. The permittee shall establish a schedule for repairing leaks that is at least as stringent as the following:
 - Leaks of 3 gallons per minute or more shall be repaired within 3 months of detection.
 - Leaks of less than 3 gallons per minute at hydrants and appurtenances shall be repaired as soon as possible.
 - Leaks of less than 3 gallons per minute shall be repaired in a timely manner, but in no event more than 6 months from detection, except that leaks in freeway, arterial or collector roadways shall be repaired when other roadwork is being performed on the roadway.
 - Leaks shall be repaired in accordance with the permittee's priority schedule including leaks up to the property line, curb stop or service meter, as applicable.
 - Permittee shall have water use regulations in place that require property owners to expeditiously repair leaks on their property.

The following exceptions may be considered:

 - Repair of leakage detected during winter months can be delayed until weather conditions become favorable for conducting repairs;* and
 - Leaks in freeway, arterial or collector roadways may be coordinated with other scheduled projects being performed on the roadway**.

*Reference: MWRA regulations 360 CMR 12.09
 **Mass Highway or local regulations may regulate the timing of tearing up pavement to repair leaks.

Metering

1. Calibrate all source, treatment and finished water meters at least annually and report date of calibration on the ASR.
2. One hundred percent (100%) metering of the system is required. All water distribution system users shall have properly sized service lines and meters that meet AWWA calibration and accuracy performance standards as set forth in AWWA Manual M6 – Water Meters.
3. The permittee shall have an ongoing program to inspect individual service meters to ensure that all service meters accurately measure the volume of water used by its customers. The metering program shall include regular meter maintenance, including testing, calibration, repair, replacement and checks for tampering to identify and correct illegal connections. The plan shall continue to include placement of sufficient funds in the annual budget to calibrate, repair, or replace meters as necessary.

Pricing

1. Establish a water pricing structure that includes the full cost of operating the water supply system. Full cost pricing recovers all costs as applicable, including:
 - pumping and distribution equipment cost, repair and maintenance;
 - water treatment;
 - electricity;
 - capital investment, including planning, design and construction;
 - land purchase and protection;
 - debt service;

Table 5: Water Conservation Requirements	
	<ul style="list-style-type: none"> • administrative costs including systems management, billing, accounting, customer service, service studies, rate analyses and long-range planning; • conservation program including audits, leak detection equipment, service and repair, meter replacement program, automated meter reading installation and maintenance, conservation devices, rebate program, public education program; • regulatory compliance; and • staff salaries, benefits training and professional development.
2.	Evaluate rates at a minimum every three to five years and adjust costs as needed.
3.	Permittee shall not use decreasing block rates. Decreasing block rates which charge lower prices as water use increases during the billing period, are prohibited by M.G.L. Chapter 40 Section 39L.
4.	If billing frequency is less than quarterly (i.e. annual or biannual), implement quarterly or more frequent meter reading and billing as soon as practicable.
Residential and Public Sector Conservation	
1.	Meet all standards set forth in the Federal Energy Policy Act, 1992, and the Massachusetts Plumbing Code.
2.	Meter or estimate water used by contractors using fire hydrants for pipe flushing and construction.
3.	Norton shall ensure that water savings devices are installed in all municipal buildings as they are renovated. MassDEP notes that Norton does not have a program to install water-saving devices in public buildings.
4.	Continue to ensure water conserving fixtures and landscaping practices are incorporated into all new construction, and into the design of new municipal capital projects.
Industrial and Commercial Water Conservation	
1.	<p>Norton reports that 80% of all water distributed is for residential use, and the remainder is for commercial and institutional use. Norton reports no industrial water users.</p> <p>The Town shall ensure implementation of water conservation practices, including the installation of WaterSense compliant low flow plumbing fixtures where applicable, and low water use landscaping in all development proposals.</p>
Lawn and Landscape	
1.	<p>Develop and adopt or update as necessary, a water use restriction bylaw, ordinance or regulation that authorizes enforcement of the seasonal limits on nonessential outdoor water use.</p> <p>MassDEP has developed the “DEP Model Outdoor Water Use Bylaw/Ordinance” to help municipalities and water districts implement seasonal water conservation requirements. The Model Bylaw also includes options for regulating private wells and in-ground irrigation systems. See http://www.mass.gov/eea/agencies/massdep/water/regulations/model-water-use-restriction-bylaw-ordinance.html</p> <p>Norton’s Water Supply By-Law, and Section 2.13 of the Rules and Regulations of the Norton Water Department, establish Norton’s criteria for water supply conservation, enforcement authority and fines.</p>
Public Education and Outreach	
1.	<p>Develop and implement a water conservation and education plan designed to educate water customers on ways to conserve water. Without limitation, the plan may include the following actions:</p> <ul style="list-style-type: none"> • Include in bill stuffers and/or bills, a work sheet to enable customers to track water use and conservation efforts and estimate the dollar savings; • Public space advertising/media stories on successes (and failures); • Conservation information centers perhaps run jointly with electric or gas company;

Table 5: Water Conservation Requirements

<ul style="list-style-type: none">• Speakers for community organizations;• Public service announcements; radio/T.V./audio-visual presentations;• Joint advertising with hardware stores to promote conservation devices;• Use of civic and professional organization resources;• Special events such as Conservation Fairs;• Develop materials that are targeted to schools with media that appeals to children, including materials on water resource projects and field trips; and• Provide multilingual materials as needed.
2. Upon request of MassDEP, permittee shall report on its public education and outreach efforts, including a summary of activities developed for specific target audiences, any events or activities sponsored to promote water conservation and copies of written materials.

9. Minimization of Groundwater Withdrawal Impacts in Stressed Subbasins

Well #4 (08G), Well #5 (05G), and Well #6 (06G) are located in Subbasin 24031 which is 63.7% net groundwater depleted (NGD) during August. Therefore, Norton shall implement the Minimization Plan Requirements outlined in Table 6 to minimize overall water use.

Table 6: Minimization Plan Requirements

1. Continue implementation of Section 2.13 of the Rules and Regulations of the Norton Water Department which states that: "All outside water use is restricted to handheld hoses only. NO LAWN SPRINKLERS OR IRRIGATION SYSTEMS OF ANY KIND ARE ALLOWED TO BE CONNECTED TO THE MINICIPAL WATER SYSTEM <u>EVER</u> ." <ul style="list-style-type: none">• Should Norton change or rescind this regulation, Norton shall notify MassDEP of the change to this minimization plan.
2. Continue implementation of conservation program elements that go beyond the minimum requirements of Special Condition 8, including: <ul style="list-style-type: none">a. increasing block rate structure and regular review of rates, approximately every 3 years, and adjustments as appropriate;b. quarterly or more frequent billing;c. maintenance of the automated meter reading system;d. customer notification of high/low water usage and penalties for unauthorized water use; ande. replacement of all customer meters on a 10-year cycle.
3. Initiate implementation of the following additional conservation measures. On or before January 1, 2025, Norton shall submit a report describing implementation of the additional conservation measures: <ul style="list-style-type: none">a. Contact highest water users (Wheaton College) to assess potential additional conservation measures;b. Perform a system-wide water audit;c. Institute a rebate program for water saving appliances (washing machines, sink aerators, toilets, etc.)

10. Mitigation of Impacts for Withdrawals that Exceed Baseline Withdrawals

Norton is required to mitigate up to 0.13 MGD (130,000 gpd or 13 indirect mitigation credits) for the full permitted withdrawals of up to 1.85 MGD authorized by this permit. As of the issuance of this permit, Norton has documented 11 indirect mitigation credits.

Table 7: Indirect Mitigation Credit		
Town of Norton Stormwater Management Bylaw, adopted 10/17/16, amended 5/14/18	1.5 credit: extends jurisdiction to the entire municipality 1.5 credits: requires infiltration in accordance with the MA Stormwater Handbook (1), and treatment of 1 inch of runoff for new development (0.5) 1 credit: applies to projects 1 acre and larger	4 credits: 40,000 gpd
63.2 acres of land on Lincoln St. held by the Norton Conservation Commission for natural resource protection	Conservation land that is protected for wildlife and habitat conservation purposes is eligible for 0.1 credits per acre up to a maximum of 5 credits.	5 credits: 50,000 gpd
Norton's January 7, 2019, submission of "Norton MA-314CMR 12.04-Infiltration/Inflow (I/I) & Flow Monitoring Program Summary Report"	1 credit: O&M plan including monitoring methods, locations, duration, frequency, and funding 1 credit: I/I Analysis study and on-going monitoring plan	2 credits
Total Indirect Mitigation Credit Available		11 credits: 110,000 gpd

Prior to making withdrawals of more than 1.79 MGD, Norton shall submit WM02: Water Management Permit Amendment Application, and shall provide documentation of implementation and all on-going maintenance of mitigation required in this permit, and a Mitigation Plan and Implementation Timetable for additional mitigation activities required to offset Norton's withdrawals above 1.79 MGD.

Mitigation activities may be phased in over the life of this permit provided that mitigation commensurate with volumes withdrawn over 1.79 MGD has been implemented prior to when those volumes are withdrawn.

Norton shall notify MassDEP should there be changes to the status of the mitigation measures.

11. Requirement to Report Raw and Finished Water Volumes

Norton shall report annually on its ASR the raw water volumes and finished water volumes for the entire water system. Monthly raw water volumes for individual water withdrawal points shall be reported annually in the ASR.

GENERAL CONDITIONS (applicable to all permittees)

- 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.
- 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.
- Entry and Inspections** The permittee or the permittee's agent shall allow personnel or authorized agents or employees of the Department at reasonable times to enter and examine any property or inspect and copy any 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 the Department pursuant to M.G.L. c. 21G, s. 15-17, M.G.L. c. 111, s. 160, or any other enabling authority.
5. **Transfer of Permits** This permit shall not be transferred in whole or in part unless and until the Department approves such transfer in writing, pursuant to a transfer application on forms provided by the Department requesting such approval and received by the Department 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 36.33.
6. **Duty to Report** The permittee shall submit annually, on the electronic Annual Statistical Report (eASR) accessed through the Department's eDEP website, a statement of the withdrawal. Such report must be submitted annually by the date identified on eDEP each year, unless the permittee has explicit permission from the MassDEP Drinking Water program for an extension of time.
7. **Duty to Maintain Records** The permittee shall be responsible for maintaining withdrawal records in sufficient detail to assess compliance with the conditions of this permit.
8. **Metering** All withdrawal points included within the permit shall be metered. Meters are to be calibrated annually.
9. **Amendment, Suspension or Termination** The Department may amend, suspend or terminate the permit in accordance with M.G.L. c. 21G and 310 CMR 36.29.

APPEAL RIGHTS AND TIME LIMITS

This permit is a decision of the Department. Any person aggrieved by this decision and any person who has been allowed pursuant to 310 CMR 1.01(7) to intervene in the adjudicatory proceeding that resulted in this decision may request an adjudicatory hearing. Any such request must be made in writing, by certified mail or hand delivered, and received by the Department within twenty-one (21) days of the date of receipt of this permit. No request for an appeal of this permit shall be validly filed unless a copy of the request is sent by certified mail, or delivered by hand to the local water resources management official in the city or town in which the withdrawal point is located; and for any person appealing this decision, who is not the applicant, unless such person notifies the permit applicant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

CONTENTS OF HEARING REQUEST

The request for a hearing shall state specifically, clearly and concisely the facts which are the grounds for the appeal, the relief sought, and any additional information required by 310 CMR 1.01(6)(b) or other applicable law or regulation. For any person appealing this decision who is not the applicant, the request must include sufficient written facts to demonstrate status as a person aggrieved and documentation to demonstrate previous participation where required.

FILING FEE AND ADDRESS

The hearing request, together with a valid check, payable to the Commonwealth of Massachusetts in the amount of \$100 must be mailed to:

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

The request shall be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below.

EXEMPTIONS

The filing fee is not required if the appellant is a city or town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority.

WAIVER

The Department may waive the adjudicatory hearing filing fee for any person who demonstrates to the satisfaction of the Department that the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request, an affidavit setting forth the facts which support the claim of undue hardship.



Duane LeVangie, Program Chief
Water Management Act Program
Bureau of Water Resources

May 7, 2024

Date

Appendix A – Functional Equivalence: 65 Residential Gallons Per Capita Day Performance Standard

MassDEP will consider PWS permittees who cannot meet the 65 RGPCD performance standard to be functionally equivalent, and in compliance with their permit, if they have an on-going program in place that ensures “best practices” for controlling residential water use as described below.

If the permittee fails to document compliance with the RGPCD performance standard in any Annual Statistical Report (ASR), then the permittee must file with that ASR a Residential Gallons Per Capita Day Compliance Plan (RGPCD Plan) which shall include, at a minimum:

1. A description of the actions taken during the prior calendar year to meet the performance standard;
2. An analysis of the cause of the failure to meet the performance standard;
3. A description of the actions that will be taken to meet the performance standard which must include, at a minimum, at least one of the following:
 - a) provide water saving devices such as faucet aerators and low flow shower heads at cost;
 - b) provide rebates or other incentives for the purchase of low water use appliances (washing machines, dishwashers, and toilets), or
 - c) adopt and enforce an ordinance, by-law or regulation to require the installation of moisture sensors or similar climate related control technology on all automatic irrigation systems;and may include, without limitation, the following:
 - d) increasing block water rates or seasonal water rates as a tool to encourage water conservation;
 - e) provide rebates or other incentives for the installation of moisture sensors or similar climate related control technology on automatic irrigation systems;
 - f) adopt and enforce an ordinance, by-law or regulation to require that all new construction include water saving devices and low water use appliances;
 - g) adopt and enforce an ordinance, by-law or regulation to require new construction to minimize lawn area and irrigated lawn area, maximize the use of drought resistant landscaping, and maximize the use of top soil with a high water retention rate;
 - h) encourage the use of cisterns or rain barrels for outside watering;
 - i) the implementation of monthly or quarterly billing.
4. A schedule for implementation; and
5. An analysis of how the planned actions will address the specific circumstances that resulted in the failure to meet the performance standard.

If the permittee is already implementing one or more of these measures, those must be included in its RGPCD plan for continued implementation, as well as implementation of at least one additional measure. The plan must include a public information component to inform customers of the plan and encourage participation.

RGPCD plans may be amended to revise the actions that will be taken to meet the performance standard. Amended RGPCD plans must include the information set forth above.

If a RGPCD plan is required, the permittee must:

1. submit information and supporting documentation sufficient to demonstrate compliance with its RGPCD plan annually at the time it files its ASR, and
2. continue to implement the RGPCD plan until it complies with the performance standard and such compliance is documented in the permittee’s ASR for the calendar year in which the standard is met.

Appendix B – Functional Equivalence: 10% Unaccounted for Water Performance Standard

MassDEP will consider PWS permittees who cannot meet the 10% UAW performance standard to be functionally equivalent, and in compliance with their permit, if they have an on-going program in place that ensures “best practices” for controlling water loss. The water loss control program will be based on annual water audits and guidance as described in the *AWWA/IWA Manual of Water Supply Practices – M36, Water Audits and Loss Control Programs* (AWWA M36).

If Norton fails to document compliance with the Unaccounted for Water performance standard (UAW of 10% or less for 2 of the 3 most recent years throughout the permit period), then Norton shall develop and implement a water loss control program following the *AWWA M36 Water Audits and Loss Control Programs* within 5 full calendar years of failing to meet the standard as follows:

1. Conduct an annual “top down” water audit, calculate the data validity level/score using AWWA Water Loss Control Committee’s Free Water Audit Software, and submit the AWWA WLCC Free Water Audit Software: Reporting Worksheet and data validity score annually with its Annual Statistical Report (ASR).
 - If a PWS’s data validity level/score is less than Level III (51-70), steps recommended through the audit(s) shall be taken to improve the reliability of the data prior to developing a long-term program to reduce real and apparent water losses.
 - Data with a validity score of 50 or less are considered too weak to be used to develop a component analysis or for infrastructure planning and maintenance.
 - Developing data with an acceptably strong validity score can be a multi-year process.
2. When the data validity score meets the Level III (51-70) requirement, conduct a component analysis to identify causes of real and apparent water loss and develop a program to control losses based on the results of the component analysis.
3. Within 5 full calendar years of failing to meet the standard, submit the component analysis and water loss control program with a proposed implementation schedule to the Department.
4. Continued implementation will be a condition of the permit in place of meeting the 10% UAW performance standard.
5. Upon request of the Department, the permittee shall report on its implementation of the water loss control program.

A PWS permittee may choose to discontinue the water loss program implementation if UAW, as reported on the ASR and approved by the Department, is below 10% for four consecutive years, and the water audit data validity scores are at least Level III (51-70) for the same four years.

NOTE FOR SMALL SYSTEMS: For small systems with less than 3,000 service connections or a service connection density of less than 16 connections per mile of pipeline, the Unavoidable Annual Real Loss (UARL) calculation and the Infrastructure Leak Index (ILI) developed as the final steps of the top down water audit may not result in valid performance indicators, and may not be comparable to the UARL and ILI calculations for larger systems.

However, these small systems can benefit from developing reliable data and conducting an annual top down water audit. Small systems can rely on the real losses (gallons per mile of main per day) performance indicator developed in the water audit as a measure of real water loss when developing a water loss control program. The M36 Manual discusses the audit process for small systems, and includes a chapter to guide small systems in understanding the results of their audits and in developing a water loss control program

(Manual of Water Supply Practices – M36, Fourth Edition, Chapter 9: Considerations for Small Systems, pp. 293-305).

MassDEP UAW Water Loss Control Measures: If Norton is required to develop a Functional Equivalence Plan for the 10% Unaccounted for Water Performance Standard, and Norton does not have a MassDEP-approved Water Loss Control Program in place within 5 full calendar years of failing to meet the standard, Norton will be required to implement the MassDEP UAW Water Loss Control Measures outlined below:

- An annual water audit and leak detection survey, as described in the AWWA M36 Manual, of the entire system.
 - Within one year, repair 75% (by water volume) of all leaks detected in the survey that are under the control of the public water system;
 - Thereafter, repair leaks as necessary to reduce permittee's UAW to 10% or the minimum level possible.
- Meter inspection and, as appropriate, repair, replace and calibrate water meters:
 - Large Meters (2" or greater) – within one year
 - Medium Meters (1" or greater and less than 2") – within 2 years
 - Small Meters (less than 1") - within three years
 - Thereafter, calibrate and or replace all meters according to type and specification.
- Bill at least quarterly within three years.
- Water pricing structure sufficient to pay the full cost of operating the system.

Hardship - A permittee may present an analysis of the cost effectiveness of implementing certain conservation measures included in the MassDEP UAW Water Loss Control Measures and offer alternative measures. Any analysis must explicitly consider environmental impacts and must produce equal or greater environmental benefits.

A permittee's hardship analysis shall:

- Document economic hardship and present an analysis demonstrating that implementation of specific measures will cause or exacerbate significant economic hardship;
- Present reasons why specific measures are not cost-effective because the cost would exceed the costs of alternative methods of achieving the appropriate standard; and
- Propose specific conservation measures that would result in equal or greater system-wide water savings or equal or greater environmental benefits than the conservation measures included in the MassDEP UAW Water Loss Control Measures.

MassDEP will review a permittee's detailed, written analysis to determine whether unique circumstances make specific Best Management Practices (BMPs) less cost-effective than alternatives, or infeasible for the permittee.

Appendix C – Indirect Mitigation Credit – Conservation Land Documentation

MassDEP Water Management Program (M.G.L. c. 21G)
Applicant Certification for Land Protected for Mitigation Credit

Town of Norton Conservation Commission Land Table

Locus Map – Parcel ID 7-13 & 13-7

MassDEP Water Management Program (M.G.L. c. 21G)
Applicant Certification for Land Protected for Mitigation Credit

I hereby certify that:

1. I have compiled, evaluated and/or established all pertinent documents, instruments, records and information necessary to provide this certification, including the documents listed as attachments to this certification;
2. I have consulted with legal, technical and other qualified professionals, as necessary for me to make this certification, including Weston & Sampson Engineers, Inc.;
3. The following is true with respect to each of the parcels of water supply protection land or portions thereof for which mitigation credit is requested:
 - a. Weston & Sampson has reviewed that the land is owned by the Town under the control of the Conservation Commission and will remain so until the MassDEP WMA Permit expiration date listed at the end of this form; and
 - b. Weston & Sampson has confirmed that all land acquisitions for which 0.2 credits/acre are sought have received MassDEP approval pursuant to M.G.L. c. 40 §§ C.
4. The following is true with respect to each of the parcels of conservation land or portions thereof for which mitigation credit is requested:
 - a. The entire portion of land for which mitigation credit is requested is subject to a conservation restriction or easement;
 - b. The conservation restriction or easement took effect on or after January 1, 2005, and will remain in effect until the MassDEP WMA Permit expiration date listed at the end of this form;
 - c. The conservation restriction or easement is recorded in the Registry of Deeds of the appropriate county or filed with the appropriate Registration District of the Land Court (Bristol County Registry of Deeds);
 - d. At a minimum, the conservation restriction or easement prohibits the following uses and activities except for the rights reserved by the grantor:
 - i. industrial, commercial or residential use;
 - ii. recreational activities that materially alter the landscape or potentially degrade water quality (e.g., playing fields, golf courses, swimming pools, play structures, downhill ski areas);
 - iii. motorized vehicles of any kind;
 - iv. disposal or discharge of hazardous materials or wastes;
 - v. storage of hazardous materials;
 - vi. storage or use of fertilizers, herbicides or pesticides; and
 - vii. installation or construction of structures and impervious surfaces.

- e. The conservation restriction or easement includes a reservation of rights by the grantor notwithstanding the prohibited activities and uses for no more than the following:
 - i. passive recreation such as walking, hiking, and cross-country skiing;
 - ii. maintenance mowing;
 - iii. selective cutting or pruning of trees, brush and other vegetation to prevent, control or remove hazards, disease, insect damage, fire damage, storm damage or invasive species;
 - iv. maintenance and repair of existing structures identified in the restriction or easement (e.g., fences, stone walls); and
 - v. installation of paths for passive recreational use.
 - f. For land not owned by the permit applicant, the owner of the land has agreed to its use for mitigation credit for the MassDEP WMA Permit listed at the end of this form; and
 - g. There are no encumbrances on the property that supersede the conservation restriction or easement.
5. I shall maintain a copy of all records, regardless of form (e.g., both printed and electronic) upon which I rely in making this certification until a final decision on this application has been issued by the Department and, if this application is approved, will do so thereafter in accordance with the permit conditions. Such records shall include without limitation all documents described in paragraph 1, above, and any supporting documents provided to me by, or relied upon by, such qualified professionals as I may consult in certifying as to the information set forth in paragraph 2, above;
6. I attest under the pains and penalties of perjury that the information contained in this certification and its attachments is, to the best of my knowledge and belief, true, accurate and complete. I am authorized to make this attestation on behalf of the permit applicant. I am aware that there are significant penalties for submitting false, inaccurate or incomplete information, including, but not limited to, the possibility of fine and imprisonment for knowing violations; and
7. I am aware that submitting a false and misleading certification could lead to modification, suspension or revocation of any permit granted pursuant to this certification, as set forth in 310 CMR 36.29 and 36.43.

Attachments:

A. A table containing the following information for each parcel of land subject to this certification: area of protected land in acres; name of owner(s); municipal assessor's map and lot numbers; County Registry Plan Book and Page Number, date of land purchase; effective date of conservation restriction/easement; term of conservation restriction or easement; County Registry Book and Page number of the property deed; Book and Page number of the recording of the conservation restriction/easement; area of water supply protected land in acres (if applicable); and area of Priority Conservation Land¹ in acres (if applicable) – attached.

¹ Priority Conservation Lands, as defined in the WMA Permit Guidance Document, include NHESP-designated lands (namely BioMap2 Core Habitats and Critical Natural Landscapes, Certified Vernal Pools and abutting land, and Priority Habitats of

B. A copy of the MassDEP BRP WS 26 decision letter referred to in paragraph 3 above (only applicable for water supply protection land) – not applicable.

C. A colored map(s) at an appropriate scale that depicts each parcel of land subject to this certification and any Priority Conservation Land for which 0.2 credits per acre is sought – attached.

D. If any parcel of land subject to this certification is not owned by the permit applicant, a Land Owner Agreement to Use of Land as Mitigation for Withdrawals in Accordance with a MassDEP Water Management Permit – not applicable.

Signature of Applicant: 

Date: 10-31-19

Printed Name of Applicant: Michael Yunits, Norton Town Manager

MassDEP WMA Permit # 9P3-4-25-218.01

MassDEP WMA Permit Expiration Date: February 28, 2030

Rare and Endangered Species), Areas of Critical Environmental Concern, aquatic buffers including buffer zones of DFW Coldwater Fishery Resources (CFRs), and Outstanding Resource Waters (ORWs).

Town or Norton Conservation Commission Land

Parcel Number	Address	Owner	Date Acquired	Acres	County Book-Page	Deed Restriction
7-13 13-7	Parcel A, Lincoln St.	Town/Conservation	2014	63.20	21596-302	Yes

