



Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Drinking Water Program
BRP WM02 – Water Management Act Program
Permit Amendment Application - Instructions

Water Management Act Program (WMA) Permits authorize the withdrawal of water in excess of 100,000 gallons per day. WMA permits are conditioned to mitigate impacts of the withdrawals to water resources and other users. Statutory and regulatory authority for the Water Management Act permit program can be found at MGL Chapter 21G and MassDEP regulations – 310 CMR 36.00.

MassDEP BRP WM02 – Water Management Act Program Permit Amendment application forms and instructions are available from the MassDEP Web site at <https://www.mass.gov/how-to/wm-02-water-management-permit-amendments> in two file formats: Microsoft Word™ and Adobe Acrobat PDF™.

Complete the Application in either format and submit it electronically (**please do not mail**) to MassDEP through ePLACE (more information below). There is a \$1,940 application fee (waived for municipalities) that can be paid by credit card/electronic check or paid by mail. Current annual compliance fees can be found on the MassDEP website at: <https://www.mass.gov/lists/massdep-fees-timelines#annual-compliance-fees->.

Commonly Asked Questions Concerning WMA Permit Amendments

1. Who may apply for a WMA permit amendment?

Only a Water Management Act Program permit holder or authorized designee.

2. What proposed changes to an existing WMA permit constitute a permit amendment?

- a. Decreasing authorized permit volumes,
- b. Changing the location of one or more withdrawal points,
- c. Adding one or more withdrawal points,
- d. Change the authorized withdrawal rate for an individual withdrawal point,
- e. Changing the location of discharge point(s).
- f. Changing the use of the water,
- g. Changing any permit conditions.

Note: Requests for **an increase in the total permit volume** require a new permit and the filing of a BRP WM03 WMA Permit Application.

3. What are the public notice requirements for a WMA permit amendment application?

- a. Applicants adding a withdrawal point or increasing the authorized maximum withdrawal rate for one or more withdrawal points must provide the public notice required for a new permit (see the Public Notice Requirement Summary at the end of this document and 310 CMR 36.23).
- b. For all other amendments, MassDEP will publish notice of the amendment application in the MEPA *Environmental Monitor* within 30 days of receiving the application and take comment for 30 days.

4. What are the timelines for review of the submitted application?

- Within 24 days of receipt of an application and payment of the application, MassDEP shall complete an administrative review.
- If the application is administratively deficient, MassDEP will notify the applicant and the applicant may remedy identified deficiencies within 180 days of MassDEP's statement identifying deficiencies.
- Within 36 days of making a determination of administrative completeness, MassDEP shall complete a technical review.
- If the application is technically deficient, MassDEP will notify the applicant and the applicant may remedy identified deficiencies within 180 days of MassDEP's statement identifying deficiencies.
- Within 36 days of receipt of materials from the applicant in response to MassDEP's statement identifying technical deficiencies, MassDEP shall complete a final review.
- MassDEP will prepare a draft permit for review and a 30-day public comment period.

For more information, see the *Water Management Act Permit Guidance Document*:
www.mass.gov/lists/water-management-act-wma-permitting



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5. How long is the permit amendment in effect?

The permit amendment is in effect for the life of the permit, unless otherwise noted. The *Water Management Act Regulations* at 310 CMR 36.17 contain a schedule of expiration dates by watershed.

6. What other requirements should be considered when applying for this permit amendment?

- To add an existing withdrawal point, public water suppliers may require a *Source Approval Process* submittal. For withdrawal points that require source approval, this BRP WM02 Permit Amendment Application should be submitted concurrent with the BRP WS19 pumping test application and prior to constructing the source.
- A request for a change of discharge point(s) may involve amending (as applicable): a *NPDES Permit* from MassDEP and/or an *Inter basin Transfer Act* approval from the Water Resources Commission if water is withdrawn or discharged across river basin and municipal boundaries.
- Permit amendment applications may require review under the Massachusetts Environmental Policy Act (MEPA). Please review MEPA Regulations at 301 CMR 11.00 to determine if the proposed project exceeds the MEPA review thresholds. For more information, contact the MEPA Office of the Executive Office of Energy and Environmental Affairs at 617-626-1031 or mepa@mass.gov.
- MassDEP cannot complete a technical review of the application until the MEPA process has been concluded. A copy of the MEPA filing should be sent to the appropriate MassDEP regional office MEPA Coordinator. Find your region: <https://www.mass.gov/service-details/massdep-regional-offices-by-community>

7. How do I submit my application to ePLACE?

ePLACE is located here: <https://ePLACE.eea.mass.gov/citizenaccess>

The first step in the application process is to "Claim Your Authorization". This process will link an existing Permit to your application and will verify your identity.

Additional visual instructions to assist in claiming your authorization and submitting your application are available at: <https://www.mass.gov/how-to/wm-02-water-management-permit-amendments>.

Complete the following:

- Log into the ePLACE Portal at : <https://ePLACE.eea.mass.gov/citizenaccess> or create an account if you do not already have one.
- Once logged in, click on the large blue button on the right, "File an Online Application".
- Read and agree to the disclaimer. Click "Continue".
- Scroll to "Energy and Environmental Affairs (EEA, DEP, MDAR, DCR)" and click "Apply for a EEA General Request". Note that in ePLACE all Permits are referred to as "Legacy Records"
- Choose the following in order to "Claim Your Authorization":
 - a. Under, "Which agency is the Legacy Record from?" select "DEP".
 - b. Under, "Which program is the Legacy Record from?" select "Water Management Act".
 - c. Under, "General Information" complete your WMA permit number and expiration date.
 - d. You will **not** be required to attach anything in the Documents section. Click "Continue Application".
 - e. Check the certification box at the bottom of the next screen and click "Continue Application". Your authorization claim has now been submitted.
 - f. Note that you will not be able to submit the application until your authorization claim has been submitted to **and** approved by MassDEP.
 - g. It may take MassDEP a day or two to respond and approve your authorization claim. At that point, you can log into ePLACE and proceed with submitting your application.
- Upon receiving approval of your authorization claim from MassDEP, log in to ePLACE and perform the steps below to submit the application. Note that the above steps only need to be performed the first time you submit information about a facility in ePLACE.



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- a. Click on “My Records” where you will see the Permit for which you have an approved authorization claim. Select “Amendment” under Action, and then follow prompts to proceed with submittal of the application and supporting information. In the Documents section you will need to attach your WM02 application form completed in either the MS Word™ or Adobe Acrobat PDF formats available on the website.
- b. Note that you can save an application and return to it later provided you select “Save and Return Later”. Once you submit your application you can no longer upload documents without approval from MassDEP personnel.
- c. Once the application has been submitted, you will receive an email that will provide you the record number.
- d. From the “My Records” button, you will be able to view the status of your application through the review and approval processes.

8. What forms do I need to fill out and attach to the Documents section in ePLACE?

The BRP WM02 form is available on the MassDEP website in two formats: Microsoft Word™ and Adobe Acrobat PDF™. Complete and submit the form in either format and attach the form in the Documents section of ePLACE. If you have questions on which additional forms to attach, please consult with WMA Program staff in the appropriate Regional Office or with WMA Program staff in Boston.

BRP WM02 – Water Management Act Program Permit Amendment Form (required)

The following forms may be required to add a new withdrawal point, or to increase the authorized withdrawal rate from an existing withdrawal point.

WMA Form B – for each groundwater withdrawal.

WMA Form C, for each surface water withdrawal.

WMA Form D2, Projections of withdrawal volume years 1-20.

WMA Form H – Groundwater Hydraulic Analyses (GHA) for Non Potable Wells

WMA Form H – Groundwater Hydraulic Analyses (GHA) is fulfilled for new public water supply wells by completing the MassDEP Drinking Water Program Groundwater Supply Development and the Source Approval Process, see <https://www.mass.gov/service-details/guidelines-for-public-water-systems>.

Include a copy of the Environmental Notification Form submitted to MEPA (as part of the *Source Approval Process*) for *new* withdrawal points that have a capacity of 100,000 gallons per day or more (see MEPA regulations 310 CMR 11.00).



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Public Notice Requirement Summary for Permit Amendment Applicants (BRP WM02) adding a withdrawal point or increasing the authorized withdrawal rate from one or more withdrawal points (see also 310 CMR 36.23 and 36.29):

The Applicant:

- shall submit a copy of the application to the water resources management official in the city or town where the withdrawal is located (or to the chief elected official if no water resources management official has been designated)
- shall publish notice described below in a newspaper which carries legal notices and is in general circulation in the city or town where the proposed withdrawal is located, within 10 days of submitting the application;
- shall send a copy of the notice (return receipt requested) to abutters and abutters of abutters of the withdrawal point within 5 days of publication;
- shall send an affidavit stating that public notice is complete and a copy of the notice to MassDEP within 10 days of completing the requirements above;
- shall take comment for 30 days from the publication of the notice;
- shall send any comments to MassDEP within 5 days of the close of comment period; and
- may send a certificate from the local water resource official(s) stating that the proposed withdrawal is consistent with local water resource plans, and that no statements of opposition have been received.

The published notice for adding a withdrawal point or increasing the authorized withdrawal rate from one or more withdrawal points must include:

- the location of the water source from which the withdrawal is to be made;
- the volume of water to be withdrawn;
- the name and address of the water resources management official of each city or town in which the withdrawal is proposed, who will have a copy of the application available for inspection, and the times when it will be available;
- a statement that written comments may be filed with the water resources management official(s) and the MassDEP within 30 days of the notice's publication date; and
- the name and address of the permit applicant.

Note: the MEPA public notice required in 301 CMR 11.15 may be combined with the WMA public notice if the filing deadlines under both 310 CMR 36.23(1) and 301 CMR 11.15(1) can be met.

The US Postal Service offers four certified mail options, three of which meet the WMA “return receipt” requirement. Either Certified Mail or Return Receipt Green Card fulfills the statutory requirement as written in 1989, and the Return Receipt Electronic Signature fulfills the spirit of the law and is an acceptable alternative.

USPS Certified Mail Options
Certified Mail
Return Receipt Green Card (Old Fashioned Green Card)
Return Receipt Electronic Signature (replaces Green Card)
Electronic Delivery Confirmation Receipt

The Electronic Delivery Confirmation Receipt carries risk for the applicant because an abutter who never personally receives notice (e.g. the abutter is on vacation, the notice was lost or destroyed after delivery) could challenge the permit. Therefore, MassDEP does not recommend the Electronic Delivery Confirmation Receipt.

Important Contacts

For technical assistance regarding online filing, contact the ePLACE Help Desk Team at 1-844-733-7522 or ePLACE_helpdesk@mass.gov.

To see a copy of your application after submittal, go to: <https://eeaonline.eea.state.ma.us/EEA/PublicApp>.