



Massachusetts Department of Environmental Protection
Bureau of Water Resources – Water Management Act Program
BRP WM03 – Water Management Act Program Permit Application Form

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 WM03 – Water Management Act permit application forms and instructions are available from the MassDEP Web site at <https://www.mass.gov/how-to/wm-03-water-management-withdrawal-permits> 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 \$4,100 fee (waived for municipalities) that can be paid by credit card/electronic check or paid by mail. The current annual compliance fees can be found on the MassDEP website at: <https://www.mass.gov/lists/massdep-fees-timelines#annual-compliance-fees>.

Please note: These instructions are only for new WM03 Permit Applications. For Permit Renewals, please read the instructions for the 20-Year Permit Renewal Application.

Commonly Asked Questions Concerning WMA Permit Applications

1. Who is required to apply?

Those users planning to withdraw water from ground or surface sources in excess of an annual average of 100,000 gallons per day or 9 million gallons in any 3-month period are required to have a WMA permit. Users typically requiring a permit include industrial, commercial, agricultural, golf courses, cranberry bogs, public water suppliers and other large water users. Certain non-consumptive uses, defined as returning a withdrawal to the same place in substantially unimpaired quality and quantity, are exempt from permitting requirements. Please contact WMA staff (Duane LeVangie at 617-292-5706) on what can be considered as non-consumptive uses.

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

Water Management permit applications have public notice requirements that are outlined in the *Public Notice Requirement Summary for New Permit Applicants* below and in 310 CMR 36.23.

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

- Within 30 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 90 days of MassDEP's statement identifying deficiencies.
- Within 72 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 90 days of MassDEP's statement identifying deficiencies.
- Within 72 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.

4. How long is a Water Management Act Permit in effect?

Permits may be in effect for up to 20 years. The *Water Management Act Regulations* at 310 CMR 36.17 contain a schedule of expiration dates by watershed.



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5. What other requirements should be considered prior to or when applying for this permit?

- Permit applications may require review under the Massachusetts Environmental Policy Act (MEPA). Please review the 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 technical review or issue a permit 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>
- *Interbasin Transfer Act* approval is required from the Water Resources Commission for the transfer of water across a river basin and municipal boundary. Information on the *Interbasin Transfer Act* can be found at www.mass.gov/service-details/interbasin-transfer-act-general-information.
- For new public drinking water sources, the *MassDEP Source Approval Process* may be required. MassDEP regional office staff should be consulted prior to applying. Find your region: <https://www.mass.gov/service-details/massdep-regional-offices-by-community>.
- For more information, see the *Water Management Act Permit Guidance Document*: www.mass.gov/lists/water-management-act-wma-permitting
- These requirements are intended to serve as a guide only. Other additional requirements may apply.

6. How can I avoid the most common mistakes made in applying for this permit?

- a. Review the public notice requirements and prepare in advance of submitting the application.
- b. Complete the required hydraulic analyses for all applicable groundwater sources in advance of submitting the application. Consult with MassDEP staff before conducting such hydraulic analyses.
- c. Provide a thorough explanation of the demand estimates.
- d. Develop a water conservation plan according to the instructions provided with the permit application form.
- e. Be aware that, depending on individual circumstances, developing plans for minimization and/or mitigation of withdrawal impacts and/or a plan to protect coldwater fish resources may be required to complete the permit application process.

7. How do I submit my application package to ePLACE?

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

Additional visual instructions to assist in claiming your authorization and submitting your application are available at: <https://www.mass.gov/how-to/wm-03-water-management-withdrawal-permits>

For those applying for a new WM03 Permit and not seeking to increase the volumes in an existing permit, please complete the following:

- Log into the ePLACE Portal at: <https://eplace.eea.mass.gov/citizenaccess> and create an account.
- Once logged in, click on the large blue button on the right, “File an Online Application”.
- Read and agree to the disclaimer. Click “Continue”.
- To find this application, click on “Energy and Environmental Affairs”, check “Apply for DEP Authorization”, and click “Continue”.
- Click on “Watershed Management”, check “WM03 - Water Management Permit Application”, and click “Continue Application”.



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- Follow instructions on each screen and click “Continue Application” to move to the next step. The WM03 application and supporting forms are to be completed in MS Word™ or Acrobat Adobe PDF™ and attached in the Documents section.
- Note that you can return to an application provided you select “Save and Return Later”. Once you submit an application you can no longer upload documents without approval from MassDEP personnel.
- At the end of the application steps, the ePLACE system will take you directly to a screen where you can pay the fee, if applicable. Complete payment information in ePLACE.
- Once an application has been submitted, you will receive an email that will provide you the record number.
- From the “My Records” button, you will be able to view the status of your application through the review and approval processes.

Important Contacts

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

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

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

The following forms are available on the MassDEP website in two formats: Microsoft Word™ and Adobe Acrobat PDF™. Complete and submit the forms in either format and attach the forms 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.

WMA Form A – General Information (required)

WMA Form B – Groundwater Sources of Supply, for each groundwater withdrawal or

WMA Form C – Surface Water Supplies, for each surface water withdrawal

WMA Forms D1, D2 and Form D Option - Future Water Needs

Form D1 – historic water withdrawals (if applicable)

Form D2 - projection of water withdrawals during the permit period

Option D Form – for public water suppliers

WMA Forms E1, E2 and E3 are for **Cranberry Growers**. These forms are based on acreage in production instead of metered water withdrawals.

WMA Form F – Evaluation of Potential Effects of the Withdrawal(s)

WMA Form G – Alternatives to the Proposed Withdrawal(s)

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

www.mass.gov/service-details/guidelines-for-public-water-systems

Description of any water conservation program and implementation timetable (For Public Water Suppliers, a completed *Water Resources Commission Conservation Plan*

(<https://www.mass.gov/files/documents/2017/11/07/water-conservation-questionnaire.pdf>) fulfills this requirement.

For other applicants, conservation requirements are outlined in these guidelines, but there is no standard form.

9. Are there any other documents I need to fill out and send that are not part of ePLACE?

Yes, if applicable, the following documents will also be part of your application package. These are not to be submitted electronically via ePLACE.

- Send a copy of the permit application to the Local Water Resources Management Official (LWRMO) in the community(s) where the withdrawal(s) is located, or to the Chief Elected Official if no LWRMO has been appointed.



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- Complete Public Notice Requirements prior to submitting the permit application (see Public Notice Requirement Summary for New Permit Applicants (BRP WM03) below and 310 CMR 36.23).
- Include a copy of the Environmental Notification Form (ENF) to MEPA, if applicable.

Public Notice Requirement Summary for New Permit Applicants (BRP WM03) (per 310 CMR 36.23):

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 DEP 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 DEP 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.

If a new source is included as part of a BRP WM03 application, 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 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.

As of June 2018, 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.