



**Massachusetts Department of Environmental Protection**  
Bureau of Water Resources - Drinking Water Program - Water Quality Assurance  
**BWR WS26 Disposition or Acquisition of Land for Water Source**

**INSTRUCTIONS AND SUPPORTING MATERIALS**

**INTRODUCTION**

These *Instructions and Supporting Materials* provide guidance for submitting permit application BWR WS26. The information in this guidance is organized into two sections. PART I answers commonly asked questions about the MassDEP permitting approval process. PART II is the permit application completeness checklist which identifies the information that must be submitted with the permit application.

Permit application WS26 is available in both word and pdf form at [WS 26: Sale or Acquisition of Land for Water Supply Purposes | Mass.gov](#). Complete the application form in either format and submit it electronically (**please do not mail**) to MassDEP through ePLACE: <https://eplace.eea.mass.gov/citizenaccess>.

For technical assistance regarding online filing, contact the ePLACE Help Desk Team at 1-844-733-7522 or [ePLACE\\_helpdesk@mass.gov](mailto:ePLACE_helpdesk@mass.gov). To see a copy of your application after submittal, go to: <https://eeasonline.eea.state.ma.us/EEA/PublicApp>.

For questions about this permit, please contact the Drinking Water Program in the appropriate MassDEP Regional Office with any questions prior to submitting their permit application, [MassDEP regional offices by community | Mass.gov](#).

**MassDEP Offices**

<b>Western Regional Office</b>	<b>Statehouse West - 5th floor 436 Dwight St. Springfield, MA 01103</b>	<b>413-784-1100</b>
<b>Central Regional Office</b>	<b>8 New Bond St Worcester, MA 01606</b>	<b>508-792-7650</b>
<b>Northeast Regional Office</b>	<b>150 Presidential Way Woburn, MA 01801</b>	<b>978-694-3200</b>
<b>Southeast Regional Office</b>	<b>20 Riverside Dr. Lakeville, MA 02347</b>	<b>508-946-2700</b>
<b>Boston Office</b> <a href="mailto:program.director-dwp@mass.gov">program.director-dwp@mass.gov</a>	<b>100 Cambridge St. Suite 900, Boston MA 02114</b>	<b>617-292-5770</b>

## **PART I – COMMONLY ASKED QUESTIONS**

### **1. What is the purpose of this permit approval?**

MassDEP approval ensures a proposed project will not adversely impact the quantity or quality of a public drinking water supply.

### **2. Who must apply for this permit?**

- All municipal public water systems and water districts seeking to acquire ownership of land for public water supply purposes;
- Municipal public water systems and water districts seeking to acquire control of land for public water supply purposes through a conservation restriction, as defined in Massachusetts General Law (M.G.L.) Chapter 184 Sections 31-33;
- Water companies and entities, as defined in M.G.L Chapter 165 Section 1, seeking to purchase land for public water supply purposes pursuant to M.G.L Chapter 165 Section 4B;
- Municipal public water systems and water districts seeking to sell or transfer ownership or control of water supply land to another public water system; and
- Municipal public water systems and water districts seeking to dispose of land or property rights no longer necessary for public water supply, including the transfer of land or property rights approved by MassDEP including land designated for public water supply in a deed, deed restriction or by municipal vote, which predates MassDEP Drinking Water Regulations 310 CMR 22.00.

### **3. What documents do I need to attach to the Documents section in ePLACE?**

Please refer to the Document Submittal Requirements in PART II of this guidance.

### **4. What other requirements should be considered when applying for this permit?**

- **PUBLIC HEARINGS:** The approval process for land acquisitions, including conservation restrictions, requires public notification and a public hearing. Public hearings may be conducted by MassDEP or by the water supplier or municipality. Applicants should indicate their preference in the *Statement of Need* described in PART II. MassDEP does not issue a final determination on a proposed acquisition until public hearing comments and objections (if any) have been reviewed and resolved. Public water suppliers seeking to complete an acquisition by a specific date should contact the Drinking Water Program in their Regional Office as soon as possible to ensure a timely decision. Water companies and other entities subject to [Chapter 165 \(malegislature.gov\)](#) should contact the Massachusetts Department of Public Utilities regarding their public hearing requirements, [DPU divisions contact information | Mass.gov](#).
- **CONSERVATION RESTRICTIONS:** Conservation restrictions for public water supply require approval from both MassDEP and the Executive Office of Energy and Environmental Affairs. Applicants must use the appropriate MassDEP Model Conservation Restriction available at; [Groundwater, Wellhead Protection, and Surface Water Supplies | Mass.gov](#). Draft conservation restrictions may be submitted to MassDEP for review prior to submitting a permit application. For assistance, please contact MassDEP at [program.director-dwp@mass.gov](mailto:program.director-dwp@mass.gov); Subject Conservation Restriction, or the Drinking Water Program in Boston (617-292- 5770) or your Regional Office.

- **NEW SOURCE APPROVALS AND REPLACEMENT WELLS:** For projects involving a new water supply source or a replacement well, please refer to MassDEP’s ‘*Guidelines and Policies for Public Water Systems*’ at [Guidelines for Public Water Systems | Mass.gov](#). It is recommended that applicants contact the Drinking Water Program in their Regional Office prior to submitting this permit application for a new source or replacement well land acquisition
- **OTHER APPROVALS**
  - **MEPA:** Land transactions may be subject to review under the Massachusetts Environmental Policy Act, see [301 CMR 11.00: MEPA Regulations | Mass.gov](#). MassDEP does not issue a determination on a permit application until a required MEPA review has been completed. Copies of MEPA filings should be sent to the Drinking Water Program in Boston and to the MEPA contact in the the MEPA Regional Office [Massachusetts Environmental Policy Act Office | Mass.gov](#).
  - **Source Abandonment:** For proposed dispositions due to source abandonment please refer to Chapter 4 of MassDEP’s ‘*Public Water Supply Guidelines*’ [Guidelines for Public Water Systems Chapter 4: Groundwater Supply Development | Mass.gov](#), and contact your Regional Office prior to submitting this permit application.
  - **Local Approvals:** The disposition of Water Supply Land requires approval from the water system’s Board of Water Commissioners. Municipal approval, such as town meeting or city council vote may also be required.
  - **EEA Approval:** The disposition of Water Supply Land may be subject to legislature approval under Article 97 of the Massachusetts Constitution, [EEA Policies and Guidance | Mass.gov](#). To determine if your proposed project is subject to this requirement contact your municipal counsel and/or EEA at 617-626-1170. MassDEP’s approval for the release of the land is not contingent on this requirement.

## 5. What is the timeline for this approval?

MassDEP will respond within 48 days of receiving a permit application. If the application is complete, the applicant will be notified of the required next steps. For approvals requiring a public hearing, MassDEP will provide the applicant with information and instructions for completing this step. If the application is incomplete, the applicant will be notified of the deficiency and will have 60 days to respond. The specific timeline can be found in 310 CMR 4.10(hh) (WS26) Timely Action Schedule and Fee Provisions [310 CMR 4.00: Timely Action Schedule and Fee Provisions | Mass.gov](#).

## 6. How long is this approval in effect?

An approval may be effective for 1- 5 years depending upon the proposed project. MassDEP will specify the effective dates in the approval letter issued to the public water system.

## 7. What are the application and annual compliance fees?

- Municipalities and water districts **are exempt** from the application fee.
- There is no compliance fee for this permit.
- The application fee can be paid online via credit card or electronic check with a service fee. You can also choose to pay by mail. Payments sent by mail should be in the form of a check or money order in the amount of \$1290.00 made payable to the Commonwealth of Massachusetts

and sent to the address below. Once you submit the application online you will receive an email that will provide you the record number as well as a reminder on how to mail payment of the permit fee. The Department will not begin review of the application until the fee is paid. The record number should be written on the check or money order.

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

#### **8. How can I avoid mistakes when applying for this approval?**

- For proposed grant funded projects, it is not necessary to be awarded the grant or to wait for local approvals (such as town meeting vote) in order to submit this permit application.
- Include the requested information identified in the *Application Completeness Checklist*. Documents should be in draft form. MassDEP will provide further direction and assistance regarding final or additional documents.
- If you have question or do not understand a requirement, contact the MassDEP Boston or Regional Office noted in the Introduction.

#### **9. What regulations apply to this approval?**

- 310 CMR 4.00 Timely Action Schedule and Fee Provisions  
[310 CMR 4.00: Timely Action Schedule and Fee Provisions | Mass.gov](#)
- 310 CMR 22.00, Drinking Water Regulations  
[310 CMR 22: The Massachusetts Drinking Water Regulations | Mass.gov](#)
- These regulations are also available for purchase at the State House Bookstore  
[Publications and Regulations: Welcome to the Massachusetts State Bookstore!](#)

**PART II – DOCUMENT SUBMITTAL REQUIREMENTS  
LAND ACQUISITION APPLICATION COMPLETION CHECKLIST**

<p align="center"><b>1. PERMIT APPLICATION WS26</b></p>	<p>Be sure WS26 box is checked. The permit application is located at <a href="#">Mass.Gov Search</a>.</p>
<p><b>2. STATEMENT OF NEED</b></p> <p><i>Include items (a) through (g)</i></p>	<p>(a). PWS Name and PWS ID#.          (b). Address of property.          (c). Property owner name (include address if different).          (d). Sources to be protected.          (e). Method of acquisition (purchase etc).          (f). Funding source(s).          (g). If the applicant chooses to conduct the local public hearing or prefers MassDEP to conduct the hearing.</p>
<p><b>3. MAPS</b></p> <p>(1) . <i>For proposed land ownerships, provide a DRAFT PLAN OF LAND that includes items (a) through (g)</i></p> <p>(2). <i>For a proposed Conservation Restriction (CR), a SKETCH PLAN that includes items (a) though (e).</i></p> <p>(3). <i>All submittals must include a Location Map.</i></p>	<p><b><u>(1). DRAFT PLAN OF LAND</u></b></p> <p>(a). Boundaries of the property.          (b). Zone I boundary (if applicable).          (c). Municipal Assessor’s map lot/parcel #.          (d). Identify one adjacent street or street closest to the property.          (e). Identify existing or proposed easements or access roads on or to the property to be acquired.          (f). Identify all structures on or below the property.          (g). Location of any proposed water supply operations.</p> <p><b><u>(2). SKETCH PLAN</u></b></p> <p>(a). Identify the boundaries of the CR area (Premises) and the boundaries of the property it covers.          (b). Assessor’s map lot/parcel #.          (c). Identify one adjacent street or street closest to the Premises.          (d). Identify any existing or proposed easements/access roads on or to the Premises.          (e). Special Use Areas (if applicable).</p> <p>Note: A draft CR is not required with the permit application. A draft plan of land is required if the property lacks a recorded survey plan of land, see details in the Model CRs at: <a href="#">Groundwater, Wellhead Protection, and Surface Water Supplies   Mass.gov</a>.</p> <p><b><u>(3). LOCATION MAP</u></b></p> <p>(a). Identifies the subject property.          (b). Displays the DEP approved or proposed water supply Zone(s) I, II, III, IWPA, A, B, C - see 310 CMR 22.00 for definitions.</p>
<p><b>4. ABUTTER LIST</b></p>	<p>Names and addresses of property abutters. See municipal tax assessor’s records for landowners who share a boundary or corner with the project property, and landowners directly across the street.</p>

**LAND DISPOSITION  
APPLICATION COMPLETION CHECKLIST**

<p style="text-align: center;"><b>Statement of Request</b></p> <p>Include items (a) through (g)</p>	<ul style="list-style-type: none"> <li>(a). Explain why the land is no longer needed for public water supply purposes; OR</li> <li>(b). If applicable, explain if the land is proposed for transfer to another public water system and will continue to be used for public water supply purposes.</li> <li>(c). Identify the method of disposition proposed (sale, CR extinguishment).</li> <li>(d). Identify the water supply source(s) this property was acquired to protect.</li> <li>(e). State if the property was initially acquired with a state grant or municipal Community Preservation Act funds.</li> <li>(f). If applicable, the date of the grant(s) award and amount awarded.</li> <li>(g). Identify all local approvals that have been obtained for the release of this property from its use as public water supply land, i.e. BOWC, municipal vote etc.</li> </ul>
<p style="text-align: center;"><b>MAP(S)</b></p>	<p><b><u>LOCATION MAP</u></b></p> <ul style="list-style-type: none"> <li>(a). Identifies the property proposed for sale, transfer or otherwise to be released from public water supply purposes.</li> <li>(b). Displays the approved water supply zone(s) of protection, Zone I, II, III, IWPA, A, B, C.</li> </ul>
<p style="text-align: center;"><b>DOCUMENTATION OF CONTROL OF OWNERSHIP</b></p>	<ul style="list-style-type: none"> <li>(a). Provide a copy of the property deed. Deeds may be downloaded from the Registry of Deeds, <a href="http://www.locatemyregistry.com">Locate my Registry of Deeds Office (state.ma.us)</a>; or</li> <li>(b). If control of the land was transferred to the BOWC through a municipal vote <u>and</u> a deed was not recorded; provide a copy of the municipal vote authorizing the transfer.</li> <li>(c). If there is no documentation for water supplier ownership or control of the project property, explain how the land came to be used for public drinking water supply purposes.</li> </ul>