



**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 at <https://www.mass.gov/how-to/ws-26-disposition-or-acquisition-of-land-for-water-supply-purposes>. 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://eeaonline.eea.state.ma.us/EEA/PublicApp>.

For questions about this permit, please contact the Drinking Water Program in the appropriate MassDEP Regional Office [MassDEP regional offices by community | Mass.gov](#) or the Boston office at the email below.

#### **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?

- 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 release ownership or control of lands used and maintained for water supply purposes.

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

- Please refer to the Application Checklist in PART II and PART III as applicable.

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

- **PUBLIC HEARINGS:** The approval process for land acquisitions, including conservation restrictions, requires 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 or objections 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 \(malegislature.gov\)](http://malegislature.gov) should contact the Massachusetts Department of Public Utilities regarding their public hearing requirements, [DPU divisions contact information | Mass.gov](http://DPU.divisions.contactinformation@Mass.gov).
- **CONSERVATION RESTRICTIONS:** Conservation restrictions for 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](http://Groundwater,WellheadProtection,andSurfaceWaterSupplies@Mass.gov). Draft conservation restrictions may be submitted to MassDEP at any time and are not required to be submitted with the permit application. Applicants must submit a map of the proposed restricted area as described in the Application Checklist. To submit a draft CR or for assistance, please contact MassDEP at [program.director-dwp@mass.gov](mailto:program.director-dwp@mass.gov): Subject Conservation Restriction.

- **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](#). For Zone I land acquisitions, please contact the Drinking Water Program in the Regional Office prior to submitting this permit application for a new source or replacement well.
- **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 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. LAND ACQUISITION APPLICATION COMPLETION CHECKLIST

<p>1. BRIEF STATEMENT OF NEED</p>	<p>(a). PWS Name and PWS ID#.</p> <p>(b). Address of project property.</p> <p>(c). Property owner(s) name (include address if different).</p> <p>(d). Sources to be protected.</p> <p>(e). Method of acquisition (purchase, conservation restriction etc.).</p> <p>(f). Funding source (grant award, CPA funds etc.).</p> <p>(g). State if the PWS will be granting a CR over the land and to whom.</p> <p>(h). If the applicant is choosing to conduct the public hearing.</p>
<p>2. MAPS</p> <p>(1). For ownership acquisitions, provide a draft survey plan of land ("survey plan"). If this is a municipal transfer of land, provide an assessor's map of the property, and copy of the municipal vote proposing to transfer the land to the water department.</p> <p>(2). For Conservation Restrictions (CR) provide a draft survey plan or sketch map as applicable. A draft CR may be submitted with this permit application but it is not required.</p>	<p>1. <u>Draft Survey Plan or CR Sketch Map Features</u></p> <p>(a). Boundaries of the property to be protected.</p> <p>(b). Boundaries of the CR.</p> <p>(c). Zone I boundary.</p> <p>(d). Assessor's property lot/parcel #.</p> <p>(e). One adjacent street or street closest to the property.</p> <p>(f). Existing or proposed easements and access roads.</p> <p>(g). Structures on or below the property.</p> <p>(h). Location of proposed special use or water supply operation areas.</p> <p>(i). Location of areas to be excluded from the CR.</p> <p>(j). Map Notes indicating MassDEP has approved the acquisition (Notes to be provided during the review process).</p> <p>For CRs a new survey plan is required if there is no recorded survey plan or if the CR covers only part of a property or if the CR covers more than one property. If there is an existing recorded survey plan, a reduced copy of this plan should be used as the sketch map. If the reduced copy is illegible, a municipal assessor's map may be used (in addition to the sketch map) to identify the map features.</p> <p>2. <u>Water Supply Protection Map</u></p> <p>Displays the approved water supply zone(s) of protection. If the source lacks a MassDEP approved zone of protection, the municipal zoning protection district map may be used. Maps may be generated from online or municipal mapping tools.</p>
<p>Current Deed</p>	<p>If there is no recorded deed provide documentation of land ownership.</p>
<p>Abutters</p>	<p>Names and addresses of abutting property owners, this information is available from the municipal tax assessor's records.</p>

## LAND DISPOSITION

### APPLICATION COMPLETION CHECKLIST

1. BRIEF STATEMENT OF REQUEST	<p>(a). State how the property was initially acquired for water supply (purchase etc.) and how its acquisition was funded (grant award, etc.).</p> <p>(b). Identify all water supply source(s) this land protects.</p> <p>(c). Provide an explanation why the land is no longer needed for public water supply purposes (e.g. source to be abandoned).</p> <p>(d). If applicable, explain if the land is proposed for transfer to another public water system and if it will continue to be used for public water supply purposes.</p> <p>(e). Identify the proposed method of disposition.</p>
2. MAPS	<p>(a). Provide a copy of the recorded survey plan or the municipal assessor's map which identifies the boundaries of the property.</p> <p>(b). Provide a map that identifies the approved water supply protection Zone ( I, II, III, IWPA, A, B, C) where the property is located.</p>
3. DOCUMENTATION OF CONTROL OR OWNERSHIP	<p>(a). Provide a copy of the existing property deed. Deeds may be downloaded from <a href="http://state.ma.us">Locate my Registry of Deeds Office (state.ma.us)</a>.</p> <p>(b). If the land was transferred to the water department through a municipal vote, provide a copy of the municipal vote approving the transfer.</p> <p>(c). If the land is under a conservation restriction provide a copy of the recorded restriction.</p>
4. APPROVALS	<p>(a). Identify all local approvals that have been obtained for the release of this property as public water supply land.</p> <p>(b). Provide a copy of approval from the BOWC.</p>