



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

May 23, 2016

Henri H. Renauld, Jr., Superintendent  
Town of Mattapoissett  
Mattapoissett Water and Sewer Department  
19 Country Road, P.O. Box 474  
Mattapoissett, MA 02739

RE: MATTAPOISETT – BWR/WMA  
PWS ID #4173000  
Water Management Act Permit  
#9P424173.01  
WMA Permit Amendment  
Application BRP WM-02  
Transmittal #X263011

Dear Mr. Renauld:

Please find attached the following documents regarding your Water Management Act Permit:

- A Final Findings of Fact in Support of the Final Permit Amendment, and
- A Final Water Management Act Permit #9P424173.01 for the Town of Mattapoissett, Massachusetts.

Please note, the signature on this cover letter indicates formal issuance of the attached document. If you have any questions, please contact Jen D'Urso at (617)654-6591 or via e-mail at [jen.durso@state.ma.us](mailto:jen.durso@state.ma.us).

Sincerely,

Rebecca Weidman, Director  
Division of Watershed Management

Attachments: Final Findings of Fact in Support of Permit Amendment  
Final Water Management Act Permit #9P424173.01

Y:\DWP Archive\SERO\Mattapoissett-PWSID 4173000- Final WMA Permit Amendment 9P42417301-2016-05-23

ecc: Duane LeVangie, MassDEP, Boston  
Michele Drury, DCR, Boston  
Mark Rasmussen, Buzzards Bay Coalition  
MWWA

Doug DeNatale, AECOM



Massachusetts Department of Environmental Protection  
One Winter Street, Boston MA 02108 • Phone: 617-292-5751

**Communication For Non-English Speaking Parties - 310**  
CMR 1.03(5)(a)



**1 English:**

This document is important and should be translated immediately. If you need this document translated, please contact MassDEP's Diversity Director at the telephone numbers listed below.



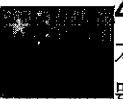
**2 Español (Spanish):**

Este documento es importante y debe ser traducido inmediatamente. Si necesita este documento traducido, por favor póngase en contacto con el Director de Diversidad MassDEP a los números de teléfono que aparecen más abajo.



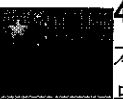
**3 Português (Portuguese):**

Este documento é importante e deve ser traduzida imediatamente. Se você precisa deste documento traduzido, por favor, entre em contato com Diretor de Diversidade da MassDEP para os números de telefone listados abaixo.



**4(a) 中國 (傳統) (Chinese Traditional):**

本文件非常重要，應立即翻譯。如果您需要翻譯這份文件，請用下面列出的電話號碼與MassDEP的多樣性總監聯繫。



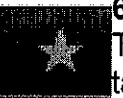
**4(b) 中国 (简体中文) (Chinese Simplified):**

本文件非常重要，應立即翻譯。如果您需要翻譯這份文件，請用下面列出的電話號碼與MassDEP的多样性总监联系。



**5 Ayisyen (franse kreyòl) (Haitian) (French Creole):**

Dokiman sa-a se yon bagay enpòtan epi yo ta dwe tradui imedyatman. Si ou bezwen dokiman sa a tradui, tanpri kontakte Divèsite Direktè MassDEP a nan nimewo telefòn ki nan lis pi ba a.



**6 Việt (Vietnamese):**

Tài liệu này là rất quan trọng và cần được dịch ngay lập tức. Nếu bạn cần dịch tài liệu này, xin vui lòng liên hệ với Giám đốc MassDEP đa dạng tại các số điện thoại được liệt kê dưới đây.



**7 ប្រទេសកម្ពុជា (Kmer (Cambodian):**

ឯកសារនេះគឺមានសារៈសំខាន់និងគួរត្រូវបានបកប្រែភ្លាម។ ប្រសិនបើអ្នកត្រូវបានបកប្រែឯកសារនេះសូមទំនាក់ទំនងភ្នាក់ងារជាតិរបស់ MassDEP នៅលេខទូរស័ព្ទដែលបានរាយខាងក្រោម។

Contact Michelle Waters-Ekanem, Diversity Director/Civil Rights: 617-292-5751 TTY# MassRelay Service1-800-439-2370 <http://www.mass.gov/eea/agencies/massdep/service/justice/>

### 8 Kriolu Kabuverdianu (Cape Verdean):

*Es documento é importante e deve ser traduzido imidiatamente. Se bo precisa des documento traduzido, por favor contacta Director de Diversidade na MassDEP's pa es numero indicode li d'boche.*

### 9 Русский язык (Russian):

Этот документ является важным и должно быть переведено сразу. Если вам нужен этот документ переведенный, пожалуйста, свяжитесь с директором разнообразия MassDEP по адресу телефонных номеров, указанных ниже.

### 10 العربية (Arabic):

هذه الوثيقة الهامة وينبغي أن تترجم على الفور. اذا كنت بحاجة الى هذه الوثيقة المترجمة، يرجى الاتصال مدير التنوع في MassDEP على أرقام الهواتف المدرجة أدناه.

### 11 한국어 (Korean):

이 문서는 중요하고 즉시 번역해야 합니다. 당신이 번역이 문서가 필요하다면 아래의 전화 번호로 MassDEP의 다양성 감독에 문의하시기 바랍니다.

### 12 հայերեն (Armenian):

Այս փաստաթուղթը շատ կարևոր է եւ պետք է թարգմանել անմիջապես. Եթե Ձեզ անհրաժեշտ է այս փաստաթուղթը թարգմանվել դիմել MassDEP բազմազանությունը տնօրեն է հեռախոսահամարների թվարկված են ստորև.

### 13 فارسی (Farsi (Persian):

این سند مهم است و باید فوراً ترجمه شده است. اگر شما نیاز به این سند ترجمه شده، لطفاً با ما تماس تنوع مدیر MassDEP در شماره تلفن های ذکر شده در زیر.

### 14 Français (French):

Ce document est important et devrait être traduit immédiatement. Si vous avez besoin de ce document traduit, s'il vous plaît communiquer avec le directeur de la diversité MassDEP aux numéros de téléphone indiqués ci-dessous.

### 15 Deutsch (German):

Dieses Dokument ist wichtig und sollte sofort übersetzt werden. Wenn Sie dieses Dokument übersetzt benötigen, wenden Sie sich bitte Diversity Director MassDEP die in den unten aufgeführten Telefonnummern.

### 16 Ελληνική (Greek):

Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως. Αν χρειάζεστε αυτό το έγγραφο μεταφράζεται, παρακαλούμε επικοινωνήστε Diversity Director MassDEP κατά τους αριθμούς τηλεφώνου που αναγράφεται πιο κάτω.

Contact Michelle Waters-Ekanem, Diversity Director/Civil Rights: 617-292-5751 TTY# MassRelay Service 1-800-439-2370 <http://www.mass.gov/eea/agencies/massdep/service/justice/>

**17 Italiano (Italian):**

Questo documento è importante e dovrebbe essere tradotto immediatamente. Se avete bisogno di questo documento tradotto, si prega di contattare la diversità Direttore di MassDEP ai numeri di telefono elencati di seguito.

**18 Język Polski (Polish):**

Dokument ten jest ważny i powinien być natychmiast przetłumaczony. Jeśli potrzebujesz tego dokumentu tłumaczone, prosimy o kontakt z Dyrektorem MassDEP w różnorodności na numery telefonów wymienionych poniżej.

**19 हिन्दी (Hindi):**

यह दस्तावेज महत्वपूर्ण है और तुरंत अनुवाद किया जाना चाहिए. आप अनुवाद इस दस्तावेज की जरूरत है, नीचे सूचीबद्ध फोन नंबरों पर MassDEP की विविधता निदेशक से संपर्क करें.

Contact Michelle Waters-Ekanem, Diversity Director/Civil Rights: 617-292-5751 TTY# MassRelay Service1-800-439-2370 <http://www.mass.gov/eea/agencies/massdep/service/justice/>



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### **Findings of Fact in Support of Final Permit Amendment Decision Town of Mattapoissett Water Management Permit #9P424173.01**

The Massachusetts Department of Environmental Protection (the Department) has completed its review of the Town of Mattapoissett's (Mattapoissett or Town) Water Management Act (WMA) permit amendment application (Transmittal #X263011) to construct three new municipal groundwater sources – two as replacement sources. The wells are proposed to augment existing wells and pump a maximum combined rate of 0.4 million gallons per day (MGD). The new wells would not result in an increase in the water allocated to Mattapoissett for withdrawal under its WMA permit.

Based on the information provided through the application process, the Department hereby approves the amendment application in accordance with the Water Management Act, MGL c 21G (the Act). The Department makes the following Findings of Fact in support of the attached Final permit, and includes herewith its reasons for approving the permit amendment and for the conditions of approval imposed, as required by the Act and the Massachusetts Water Resources Management Program, 310 CMR 36.00 (the Regulations). The Department may modify, suspend or terminate the permit, after notice and hearing, for violations of its conditions, of M.G.L. c. 21G, or of regulations adopted or orders issued by the department, and when deemed necessary for the promotion of the purposes of the Act.

#### **Town of Mattapoissett Withdrawal Summary**

The town of Mattapoissett is currently authorized to withdraw an additional 142.35 million gallons a year (MGY), or an average of 0.39 MGD, in addition to their Registered volume of 0.42 MGD, for a total of 0.81 MGD. This Final permit was prepared by the Department in response to a permit amendment application submitted by the Mattapoissett Water Department to construct three new municipal groundwater wells to augment existing wells. Under the Act, permittees must obtain a permit amendment when adding a withdrawal point or points. Mattapoissett's application was considered complete on March 9, 2016 based on the following information:

- A permit amendment application was received on October 9, 2014;

- The pumping test report associated with X263010 underwent a Administrative Completeness Review and a Technical Review; the report was deemed complete by The Department on January 9, 2015;
- Mattapoisett complied with the public notice requirements outlined in 310 CMR 36.23;
- The Department conducted its own public comment period in compliance with 310 CMR 36.23 and did not receive any comments on the applicant's permit amendment application; and
- The application was submitted to MEPA and was determined not to need the preparation of an Environmental Impact Report (EIR).

### **The Permit Extension Act**

The Permit Extension Act (PEA), Section 173 of Chapter 240 of the Acts of 2010, as amended by Sections 74 and 75 of Chapter 238 of the Acts of 2012, extended all existing WMA permits by four years. Therefore, WMA permits for withdrawals in the Buzzards Bay Basin were extended to May 31, 2015. In May 2015, Mattapoisett submitted a 20-year permit renewal application. Pursuant to M.G.L. c. 30A, § 13, and 310 CMR 36.18(7), Mattapoisett's current permit will continue in force and effect until the Department issues a decision on its renewal application. The Department has retained Mattapoisett's renewal application on file and will deem it resubmitted prior to an Order to Complete or a Final Permit being issued by the Department. Note that, in issuing this Final Permit, the Department is not acting on Mattapoisett's renewal application.

### **The Water Management Act**

Section 7 of the WMA requires that the Department issue permits that balance a variety of factors including:

- Reasonable protection of existing water uses, land values, investments and enterprises;
- 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.

### **Safe Yield Factor**

Among the minimum permit factors Section 7 requires is a determination by the Department that permitted water withdrawals are within the safe yield of the water source from which they are made. Section 2 of the Act defines "safe yield" as: "the maximum dependable withdrawal that can be made continuously from a water source including ground or surface water during a period of years in which the probable driest period or period of greatest water deficiency is likely to occur: provided, however, that such dependability is relative and is a function of storage and drought probability."

For the purposes of the Water Management Program, the Department considers water sources to be the river basins delineated by the MA Water Resources Commission at 313 CMR 4.03. A map of the major river basins has been developed by the Department of Conservation and Recreation and can be viewed in their guidance document "A Guide to the Interbasin Transfer Act and Regulations" or at <http://www.mass.gov/eea/images/dcr/watersupply/intbasin-ipswichriver/basin.jpg>.

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. The Department has used the methodology described in the Regulations to calculate the safe yield for each river basin.

Under Section 11 of the Act, the Department cannot issue permits when the combined registered and permitted allocated withdrawal volumes exceed the safe yield of the water source. This Final Permit amendment will not alter the volume of withdrawals from the Buzzards Bay Basin and will not cause an exceedance of the Basin's safe yield.

#### **Findings of Fact for Performance Standards**

The Department has determined that there is documented evidence that water withdrawals and an increase in development and impervious area, combined with the out-of-basin export of wastewater, substantially contribute to low flow in the Commonwealth. These low flows impact the ability of rivers and tributaries to adequately serve all of the competing uses described in the Act. To better achieve the balance of competing water uses mandated by the Act, the Department refers to the Water Conservation Standards adopted by the Water Resources Commission. These standards can be found at <http://www.mass.gov/eea/docs/eea/wrc/water-conservation-standards-rev-june-2012.pdf>. Note that the performance standards included in this Final permit have not changed, but those values will be revised at the time of the permit renewal.

#### **Findings of Fact for Specific Permit Conditions**

**Special Condition 1, Maximum Authorized Annual Average Withdrawal Volume** - as noted above, this Final permit allows Mattapoisett to withdraw an average annual daily volume of 0.39 MGD which equals 142.35 MGY. No increase in permitted volume is authorized by this Final Permit amendment. This permitted volume is in addition to Mattapoisett's Registered volume of 0.42 MGD, for a total allowable withdrawal of 0.81 MGD.

**Special Condition 2, Maximum Authorized Daily Withdrawals from Each Withdrawal Point** - specifies the maximum daily volume expressed in millions of gallons per 24-hour day that may be withdrawn from each of Mattapoisett's permitted sources. As noted above this Final permit amendment allows the proposed new well and replacement wells to pump a combined rate of 0.4 MGD. The maximum authorized daily withdrawal rate for any of Mattapoisett's sources is equal to the approved Zone II rate for that source.

**Special Condition 3, Zone II Delineations** - acknowledges approved Zone II delineations for Mattapoisett's sources.

**Special Condition 4, Wellhead Protection** – acknowledges that Mattapoisett is in compliance with the Wellhead Protection Standards at 310 CMR 22.21(2).

**Special Condition 5, Performance Standard for Residential Gallons Per Capita Day Water Use (RGPCD)** –

Mattapoisett's existing Permit requires compliance with the RGPCD standard of 80 by December 31, 2009. For 2014 Mattapoisett has a DEP-approved RGPCD of 54.

**Special Condition 6, Performance Standard for Unaccounted for Water** – Mattapoisett's existing Permit requires compliance with the 15% performance standard by December 31, 2009. For 2014, Mattapoisett has a DEP-approved UAW of 6%.

**Special Condition 7, Water Conservation Requirements** - incorporates the Water Conservation Standards for the Commonwealth of Massachusetts adopted by the MA Water Resources Commission in July 2006, and revised in July 2012.

**Special Condition 8, Requirement to Report Raw and Finished Water Volumes** - to assure that the information necessary to evaluate compliance with other permit conditions is accurately reported.

**General Permit Conditions** – contains general requirements applicable to all WMA permittees. In the event of any conflict or ambiguity between the preceding Findings and the permit, the permit language shall control.





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## FINAL WATER WITHDRAWAL PERMIT MGL c 21G

This Final Permit 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 Final 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:** 9P424173.01      **BASIN:** Buzzards Bay Basin

**PERMITTEE:** Town of Mattapoisett  
19 Country Road, P.O. 474  
Mattapoisett, MA 02739

**EFFECTIVE DATE:** August 31, 1992

**AMENDMENT DATE:** May 23, 2016

**EXPIRATION DATE:** May 31, 2011<sup>1</sup>

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

**USE:** Public Water Supply      **DAYS OF OPERATION:** 365

**SOURCES:**

Table 1: Withdrawal Point Identification	
Well Name	PWS Source ID Code
Station #4	4173000-04G
Station #5	4173000-05G
Replacement Wellfield #2	4173000-06G

<sup>1</sup> Mattapoisett's most recent 20-year permit expired on May 31, 2011. In 2010, this permit was extended for 2 years, to May 31, 2013, by Section 173 of Chapter 240 of the Acts of 2010, (Permit Extension Act). In 2012, the Permit Extension Act was amended by Chapter 238 of the Acts of 2012 and this permit was extended an additional 2 years to May 31, 2015. Pursuant to M.G.L. c. 30A, § 13, and 310 CMR 36.18(7), this permit will continue in force and effect until the Department issues a decision on Mattapoisett's renewal application.

**SPECIAL CONDITIONS**

**1. Maximum Authorized Annual Average Withdrawal Volume**

This Final permit authorizes the Town of Mattapoisett (Mattapoisett) to withdraw water from the Buzzards Bay Basin at the rate described in Table 2.

The permitted volume is expressed in millions of gallons, both as an average daily withdrawal rate per year (MGD) and as a total annual withdrawal volume for each year (MGY) of the period of the permit term. The Department of Environmental Protection (the Department) will use the raw water withdrawal volume from all authorized withdrawal points to assess compliance with the registered and permitted withdrawal volumes.

Permit Periods	Permit		Permit + Registration	
	Daily Average (MGD)	Total Annual (MGY)	Daily Average (MGD)	Total Annual (MGY)
9/12/2007 to 3/31/2011*	0.39	142.35	0.39 + 0.42 = 0.81	295.65

\* Mattapoisett's most recent 20-year permit expired on May 31, 2011. In 2010, this permit was extended for 2 years, to May 31, 2013, by Section 173 of Chapter 240 of the Acts of 2010, (Permit Extension Act). In 2012, the Permit Extension Act was amended by Chapter 238 of the Acts of 2012 and this permit was extended an additional 2 years to May 31, 2015. Pursuant to M.G.L. c. 30A, § 13, and 310 CMR 36.18(7), this permit will continue in force and effect until the Department issues a decision on your renewal application.

This Final permit is being issued under the Safe Yield methodology adopted by the Department in November, 2014. Under G.L.c.21G, s.11 the Department cannot issue permits when the combined existing, permitted and proposed withdrawal volumes exceed the safe yield of the water source.

**2. Maximum Authorized Daily Withdrawals Permitted 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.

Well Name	PWS Source ID Code	Maximum Daily Rate (MGD)
Station #4	4173000-04G	0.72
Station #5	4173000-05G	1.00
Replacement Wellfield #2	4173000-06G	0.4 combined for Station #6 and replacement wells #7 and #8.

**3. Zone II Delineations**

Mattapoisett's permitted wells have approved Zone II delineations. No further Zone II work is required as a condition of this Final Permit.

**4. Wellhead Protection**

Mattapoissett is in compliance with the Wellhead Protection Standards at 310 CMR 22.21(2).

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

Mattapoissett's Performance Standard for Residential Gallons Per Capita Day (RGPCD) is 80 gallons. Mattapoissett was required to be in compliance with the Performance Standard by December 31, 2009. Mattapoissett shall report its RGPCD water use annually in its eASR.

Mattapoissett shall report its RGPCD and the calculation used to derive that figure as part of its eASR including, without limitation, the source of the data used to establish the service population and the year in which this data was developed. See Appendix A for additional information on the requirements if the Performance Standard for RGPCD is not met.

**6. Performance Standard for Unaccounted for Water**

Mattapoissett's Performance Standard for Unaccounted for Water (UAW) is 15% of overall water withdrawal. Mattapoissett was required to be in compliance with the Performance Standard by December 31, 2009. Mattapoissett shall report its UAW annually in its eASR.

Mattapoissett shall report its UAW and the calculation used to derive that figure as part of its eASR. UAW is defined as the difference between water pumped or purchased and water that is metered or confidently estimated. UAW shall include, without limitation, water that cannot be accounted for due to meter problems, unauthorized hydrant openings, unavoidable leakage, recoverable leakage, illegal connections, stand pipe overflows, and fire protection where it cannot be confidently estimated. The need for water main flushing and the use of water in construction or meter calibration shall be metered or estimated as appropriate to assist in determining actual demand. Volumes flushed to waste shall be reported on Town of Mattapoissett's eASR. See Appendix B for additional information on requirements if the Performance Standard for UAW is not met.

**7. Water Conservation Requirements**

At a minimum, Mattapoissett shall implement conservation measures listed in Table 7.

The Department recognizes that Mattapoissett is currently implementing a number of these requirements. 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.

<b>Table 7: Minimum Water Conservation Requirements</b>	
<b><i>System Audits and Leak Detection</i></b>	
1.	At a minimum, Mattapoissett shall conduct leak detection of the entire system every three years.
2.	Mattapoissett shall 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, Mattapoissett shall submit to the Department a report detailing the 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.	Mattapoissett shall conduct field surveys for leaks and repair programs in accordance with the <u>AWWA Manual 36</u> .
4.	Mattapoissett shall have repair reports available for inspection by the Department. Mattapoissett 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 Mattapoissett's priority schedule including leaks up to the property line, curb stop or service meter, as applicable. Mattapoissett shall have water use regulations in place that require property owners to expeditiously repair leaks on their property.

***Metering***

1. Mattapoissett shall calibrate all source and finished water meters at least annually and report date of calibration on the ASR.

2. Mattapoissett reports its system is 99% metered. In accordance with the information provided by Mattapoissett, 100% metering of the system shall be completed by the end of 2008.

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, by the permit end date of May 31, 2011.

3. Mattapoissett shall have an ongoing program to inspect individual service meters to ensure that all service meters accurately measure the volume of water used by your 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 Mattapoissett's annual water budget to calibrate, repair, or replace meters as necessary.

***Pricing***

1. Mattapoissett shall maintain a water pricing structure that includes the full cost of operating the water supply system. Evaluate rates at a minimum every three to five years and adjust costs as needed. Full cost pricing factors all costs - operations, maintenance, capital, and indirect costs (environmental impacts, watershed protection) - into prices.

2. Mattapoissett shall not use decreasing block rates. Decreasing block rates which charge lower prices as water use increases during the billing period, are not allowed by M.G.L. Chapter 40 Section 39L.

***Lawn and Landscape***

1. Mattapoissett shall continue to implement and enforce its water use ordinance as necessary.

**Residential and Public Sector Conservation**

1. Mattapoissett shall meet the standards set forth in the Federal Energy Policy Act, 1992 and the Massachusetts Plumbing Code.

2. Mattapoissett shall meter or estimate water used by contractors using fire hydrants for pipe flushing and construction.

3. Mattapoissett has reported that all municipally owned public buildings have been retrofitted with water saving devices (faucet aerators, low flow shower heads and low flow toilets). Mattapoissett shall

continue to ensure that water savings devices are installed in all municipal buildings.

***Industrial and Commercial Water Conservation***

1. Mattapoissett shall review the use records for its industrial, commercial and institutional water users and develop an inventory of the largest water users. Mattapoissett shall develop and implement an outreach program designed to inform and (where appropriate) work with its largest industrial, commercial and institutional water users on ways to reduce their water use by the permit end date of May 31, 2011. Such outreach plans can include, but are not limited to: information on water audits, meter sizing, water reuse, low-flow plumbing fixtures, mandatory outdoor water use restrictions, suggestions for contacting trade associations for process specific information on water use reductions, and information on contacting the Executive Office of Environmental Affairs Office of Technical Assistance for Toxics Use Reduction (OTA) which offers a range of assistance and information to help facilities improve water use efficiency and reduce wastewater discharge. OTA can be contacted at (617) 626-1060 or at [www.mass.gov/envir/ota](http://www.mass.gov/envir/ota).
2. Upon request by the Department, Mattapoissett shall report on industrial, commercial and institutional water conservation including the results of its review of water use records for industrial, commercial and institutional water users, the inventory of the largest water users, copies of any outreach materials distributed to industrial, commercial and institutional water users, and to the extent practical, a summary of water use reductions or savings that have resulted. Upon receipt of this report, the Department will take whatever action it deems appropriate to promote the interests of the Water Management Act, including without limitation requiring Mattapoissett to take additional actions to reduce industrial, commercial and institutional water use.

***Public Education and Outreach***

1. Mattapoissett shall develop and implement a Water Conservation Education Plan designed to educate the District's water customers on ways to conserve water. Without limitation, Mattapoissett's plan may include the following actions:
  - 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;
  - 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 the Department, Mattapoissett shall report on its public education and outreach effort, including a summary of activities developed for specific target audiences, any events or activities sponsored to promote water conservation and copies of written materials.

**8. Requirement to Report Raw and Finished Water Volumes**

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

**General Permit Conditions (applicable to all Permittees)**

No withdrawal in excess of 100,000 gallons per day over the registered volume (if any) shall be made following the expiration of this permit, unless before that date the Department has received a renewal permit application pursuant to and in compliance with 310 CMR 36.00.

1. **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.
2. **Operation and Maintenance** The Permittee shall at all times properly operate and maintain all facilities and equipment installed or used to withdraw water so as not to impair the purposes and interests of the Act.
3. **Entry and Inspections** The Permittee or the Permittee's agent shall allow personnel or authorized agents or employees of the Department to enter and examine any property over which Permittee has authority, title or control, 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, §§ 15-17, M.G.L. c. 150, § 111, 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 a form provided by the Department, a certified statement of the withdrawal. Such report is to be received by the Department by the date specified by the Department. Such report must be submitted as specified on the report form.
7. **Duty to Maintain Records** The Permittee shall be responsible for maintaining withdrawal and all other records as specified by this permit.
8. **Metering** Withdrawal points shall be metered. Meters shall be calibrated annually. Meters shall be maintained and replaced as necessary to ensure the accuracy of the withdrawal records.
9. **Right to Amend, Suspend or Terminate** 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 may request an adjudicatory hearing as described herein and in accordance with the procedures described at 310 CMR 36.37. 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. The hearing request, including proof of payment of the filing fee, must be mailed to:

Case Administrator

MassDEP Office of Appeals and Dispute Resolution  
One Winter Street  
Boston, MA 02108

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 community 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**

310 CMR 1.01(6)(b) requires the request to include a clear and concise statement of the facts which are the grounds for the request and the relief sought. In addition, the request must include a statement of the reasons why the decision of the Department is not consistent with applicable rules and regulations, and for any person appealing this decision who is not the applicant, a clear and concise statement of how that person is aggrieved by the issuance of his permit.

**FILING FEE AND ADDRESS**

The Department's fee transmittal form, 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 municipality (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.

## **Appendix A – Residential Gallons Per Capita Day (RGPCD)**

### **I. Compliance Plan Requirement**

If Town of Mattapoisett fails to document compliance with the RGPCD Performance Standard in its 2015 eASR, or in any eASR thereafter, then Town of Mattapoisett must file with that eASR a Residential Gallons Per Capita Day Compliance Plan (RGPCD Plan) which shall:

- a. meet the requirement set forth below in Section II;
- b. include measures to be implemented to meet the performance standard); and
- c. include the schedule for implementing such measures.

The filing of an RGPCD Plan shall not constitute a return to compliance, nor shall it affect the Department's authority to take action in response to the permittee's failure to meet the performance standard.

If an RGPCD Plan is required, the permittee must:

- a. submit information and supporting documentation sufficient to demonstrate compliance with its RGPCD Plan annually at the time it files its ASR; and
- b. 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.

### **II. Contents of an RGPCD Plan**

A permittee that does not meet the 65 RGPCD performance standard within 2 years, has the choice to file an RGPCD Plan containing measures that the permittee believes will be sufficient to bring the system into compliance with the performance standard (Individual RGPCD Plan) or may adopt the Department RGPCD Functional Equivalence Plan that includes mandated Best Management Practices (BMPs).

A permittee that has been unable to meet the 65 RGPCD performance standard within 5 years must implement the Department RGPCD Functional Equivalence Plan to be considered functionally equivalent with the performance standard.

At a minimum, all RGPCD Compliance Plans must include a detailed:

- a. description of the actions taken during the prior calendar year to meet the performance standard;
- b. analysis of the cause of the failure to meet the performance standard;
- c. description and schedule of the actions that will be taken to meet the performance standard; and
- d. analysis of how the actions described in c. will address the specific circumstances that resulted in the failure to meet the performance standard.

RGPCD Plans may be amended to revise the actions that will be taken to meet the performance standard.

#### **Individual RGPCD Plan**

Individual RGPCD Plan will document a plan to adopt and implement measures tailored to the specific needs of the water supply system that the permittee believes will be sufficient to bring the system into compliance with the performance standard within three years.



At a minimum, all Individual RGPCD Plans for failure to meet the RGPCD performance standard must include implementation of at least one of the following residential conservation programs:

- a. a program that provides water saving devices such as faucet aerators and low flow shower heads at cost;
- b. a program that provides rebates or other incentives for the purchase of low water use appliances (washing machines, dishwashers, and toilets); or
- c. the adoption and enforcement of an ordinance, bylaw or regulation to require the installation of moisture sensors or similar climate related control technology on all automatic irrigation systems.

If the permittee is already implementing one or more of these programs, it must include in its individual RGPCD Plan the continued implementation of such program(s), as well as implementation of at least one additional program. All programs must include a public information component designed to inform customers of the program and to encourage participation in the program.

Without limitation, the Individual RGPCD Plan for failure to meet the RGPCD performance standard may include any of the actions set forth in the Department RGPCD Functional Equivalence Plan below.

#### **The Department's RGPCD Functional Equivalence Plan**

In order to be considered functionally equivalent with the RGPCD performance standard, the permittee must adopt and implement the Department RGPCD Functional Equivalence Plan that requires all the following residential conservation programs:

- a. a program that provides water saving devices such as faucet aerators and low flow shower heads at cost;
- b. a program that provides rebates or other incentives for the purchase of low water use appliances (washing machines, dishwashers, and toilets);
- c. the adoption and enforcement of an ordinance, bylaw or regulation to require the installation of soil moisture sensors or similar climate related control technology on all automatic irrigation systems;
- d. the use of an increasing block water rate or a seasonal water rate structure as a tool to encourage water conservation;
- e. the adoption and enforcement of an ordinance, bylaw or regulation to require that all new construction include water saving devices and low water use appliances; and
- f. the implementation of monthly or quarterly billing.

#### **Hardship**

A permittee may present an analysis of the cost effectiveness of implementing certain conservation measures included in the Department RGPCD Functional Equivalence Plan and offer alternative measures. Any analysis must explicitly consider environmental impacts and must produce equal or greater environmental benefits.

Suppliers will be able to present:

- a. Reasons why specific measures are not cost effective because the cost would exceed the costs of alternative methods of achieving the appropriate standard;
- b. Alternative 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 Department RGPCD Functional Equivalence Plan; and
- c. When applicable, an analysis demonstrating that implementation of specific measures will cause or exacerbate significant economic hardship.

## **Appendix B – Unaccounted for Water (UAW)**

### **I. Compliance Plan Requirement**

If Town of Mattapoisett fails to document compliance with the UAW Performance Standard in its 2015 eASR, or in any eASR thereafter, then Town of Mattapoisett must file with that ASR an Unaccounted for Water Compliance Plan (UAW Plan) which shall:

- a. meet the requirements set forth below in Section II;
- b. include measures to be implemented to meet the performance standard; and
- c. include the schedule for implementing such measures.

The filing of a UAW Plan shall not constitute a return to compliance, nor shall it affect the Department's authority to take action in response to the permittee's failure to meet the performance standard.

If a UAW Plan is required, the permittee must:

- a. submit information and supporting documentation sufficient to demonstrate compliance with its UAW Plan annually at the time it files its eASR; and
- b. continue to implement the UAW Plan until it complies with the performance standard and such compliance is documented in the permittee's eASR for the calendar year in which the standard is met.

### **II. Contents of a UAW Compliance Plan**

A permittee that does not meet the 10% UAW performance standard within 2 years, has the choice to file a UAW Plan containing measures that the permittee believes will be sufficient to bring the system into compliance with the performance standard (Individual UAW Plan) or may adopt the Department UAW Functional Equivalence Plan that includes mandated Best Management Practices (BMPs).

A permittee that has been unable to meet the 10% UAW performance standard within 5 years must implement the Department UAW Functional Equivalence Plan to be considered functionally equivalent with the performance standard.

At a minimum, all UAW plans must include a detailed:

- a. description of the actions taken during the prior calendar year to meet the applicable performance standard;
- b. analysis of the cause of the failure to meet the performance standard;
- c. description and schedule of the actions that will be taken to meet the performance standard; and
- d. analysis of how the actions described in c. will address the specific circumstances that resulted in the failure to meet the performance standard.

UAW plans may be amended to revise the actions that will be taken to meet the performance standard.

#### **Individual UAW Compliance Plan**

Individual UAW Plan will document a plan to adopt and implement measures tailored to the specific needs of the water supply system that the permittee believes will be sufficient to bring the system into compliance with the performance standard within three years. Individual UAW compliance plans may include any of the actions set forth in the Department UAW Functional Equivalence Plan compliance plan below.

### **The Department's UAW Functional Equivalence Plan**

In order to be considered functionally equivalent with the UAW performance standard, the permittee must adopt and implement the Department UAW Functional Equivalence Plan that, at a minimum, requires all the following measures:

- a. within one year of filing the Department UAW Functional Equivalence Plan, complete a water audit and leak detection survey of the entire system and submit completed audit and survey to the Department;  
within one year of completing the audit and leak detection survey, conduct sufficient repairs to reduce by 75% (by water volume) all leaks detected in the survey;  
within one year of completing such repairs, conduct additional repairs of leaks detected in the survey as may be necessary to reduce permittee's UAW to 10% or the minimum level possible;
- b. if UAW remains above 10%, repeat the steps outlined in paragraph a.;
- c. implementation of a program that ensures the inspection and evaluation of all water meters and, as appropriate, the repair, replacement and calibration of water meters in accordance with the following schedule:
  - Large Meters (2" or greater) - within one year of filing the Department UAW Functional Equivalence Plan
  - Medium Meters (1" or greater and less than 2") - within two years of filing the Department UAW Functional Equivalence Plan
  - Small Meters (less than 1") - within three years of filing the Department UAW Functional Equivalence Plan;
- d. implementation of monthly or quarterly billing within three years of filing the Department UAW Functional Equivalence Plan; and
- e. within one year of filing the Department UAW Functional Equivalence Plan, implementation of a water pricing structure that achieves sufficient revenues to pay the full cost of operating the system including, without limitation, the costs of repairs under paragraph a., the costs of meter repairs, replacements and calibrations under paragraph c., the costs of employees and equipment, and ongoing maintenance and capital costs.

### **Hardship**

A permittee may present an analysis of the cost effectiveness of implementing certain conservation measures included in the Department UAW Functional Equivalence Plan and offer alternative measures. Any analysis must explicitly consider environmental impacts and must produce equal or greater environmental benefits.

Suppliers will be able to present:

- a. Reasons why specific measures are not cost effective because the cost would exceed the costs of alternative methods of achieving the appropriate standard;
- b. Alternative 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 Department UAW Functional Equivalence Plan; and
- c. When applicable, an analysis demonstrating that implementation of specific measures will cause or exacerbate significant economic hardship

