



# **Water Management Act Regulation Change Update**

**WRC Meeting  
July 8, 2021  
1- 3 pm**

# Registration Renewals

- WMA (M.G.L. c. 21G, Section 5) states:

*“the registrant shall be entitled, upon the filing of a renewal registration statement, to continue existing withdrawals specified in the registration statement for a period of ten years.”*

- **Renewal requests** are filed 6 months prior to the Registration Statement expiration date on forms provided by DEP

- **Registration Statements**

- will expire on ~~December 31, 2021~~
- cannot exceed 10 years

## Breaking News

Covid Order No. 42 tolls (extends) certain permits and approvals 462 days. (April 7, 2023, expiration)



# Registration History

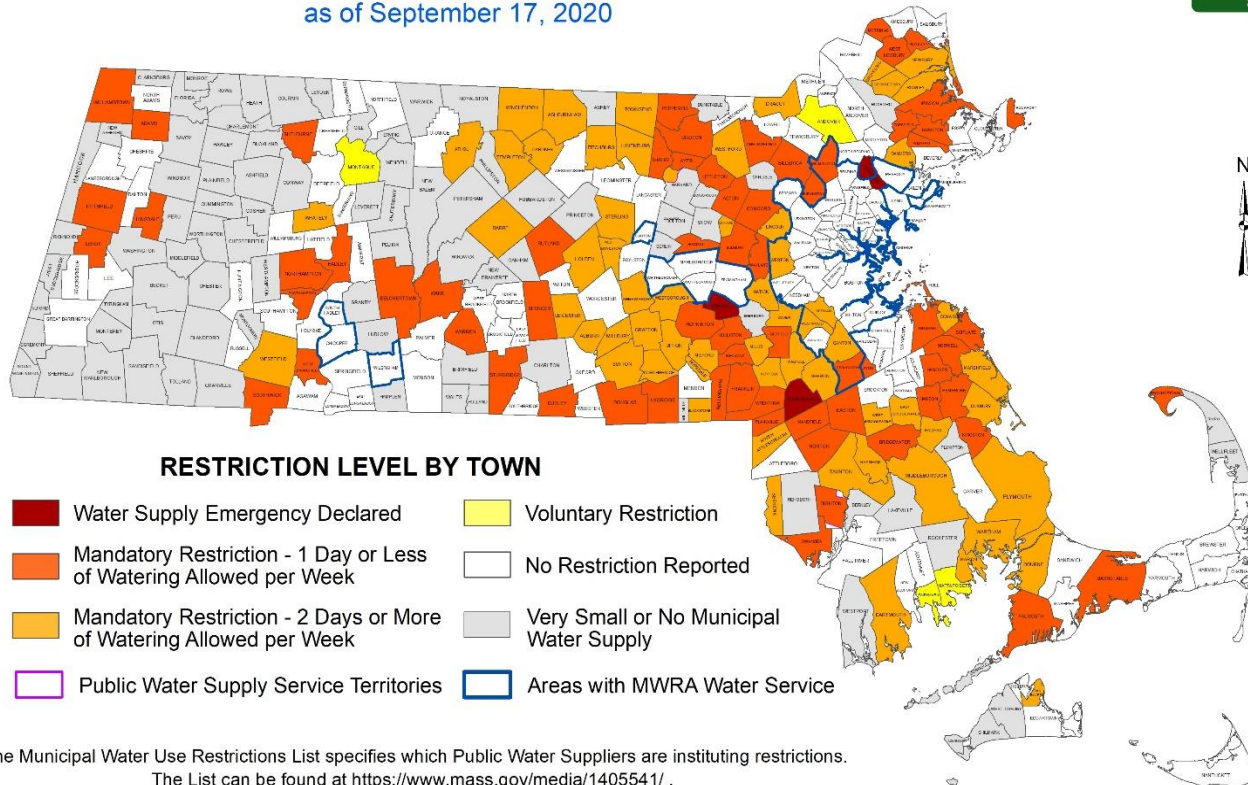
- Minimum Registration Conditions (at 310 CMR 36.07) applied to original Registration Statements (1988) are:
  - meter all withdrawals
  - calibrate meters
  - maintain records and report withdrawal data
- Most recent Registration Renewals (2008) included conservation performance standards (65/10) and summer demand management
  - These conditions were appealed to MA SJC
- MA SJC decision in Fairhaven, et al v. DEP, 455 Mass. 740 (2010), required MassDEP to promulgate regulations before including new conditions in registration renewals
- 2017 Permit Extension Act extended the registrations by 4 years.

# Consistency

## CURRENT MUNICIPAL WATER USE RESTRICTIONS

### Non-Essential Outdoor Water Use Restrictions

as of September 17, 2020



SOURCES:  
 MassDEP Bureau of Water Resources, Water Management Program; MassDEP GIS Program; MassGIS.  
 Restriction Level data provided by municipal Public Water Suppliers or by MassDEP internet search.  
 For more information contact MassDEP Water Management Program at 617-292-5706.  
 NOTE: Sub-town water supply service areas are approximate.

MassDEP GIS Program:9/17/2020 11:30:37 AM

# Balance & Savings

Average Summer to Winter Ratio  
2009-2020

Registered Only PWS	
NAME	Average Ratio
Lynn	1.09
Pittsfield	1.12
Fall River	1.13
Lawrence	1.16
Leominster	1.26
Springfield	1.26
Cambridge	1.31
Peabody	1.36
Topsfield	1.41
Wilmington	1.45
Wellesley	1.85
Manchester	2.19

Other Noteworthy PWS Values	
Name	Ave. Ratio
Amherst	1.08
Boston	1.14
Worcester	1.20
Newton	1.32
State Average*	1.41
Registered only Average*	1.34

\* Not including Cape or Island PWS

Permitted Consecutive system



# DRAFT Regulation Change

- During drought- condition nonessential water use
  - Align PWS and Golf registrations with Drought Management Plan using drought status

State Drought Plan	Nonessential Outdoor Water-Use Restrictions
<b>Level 1-Mild</b>	1 day per week watering, before 9 a.m. or after 5 p.m.
<b>Level 2-Significant</b>	Hand-held hoses or watering cans only, before 9 a.m. or after 5 p.m.
<b>Level 3-Critical</b>	Ban on all nonessential outdoor water use
<b>Level 4- Emergency</b>	Ban on all nonessential outdoor water use

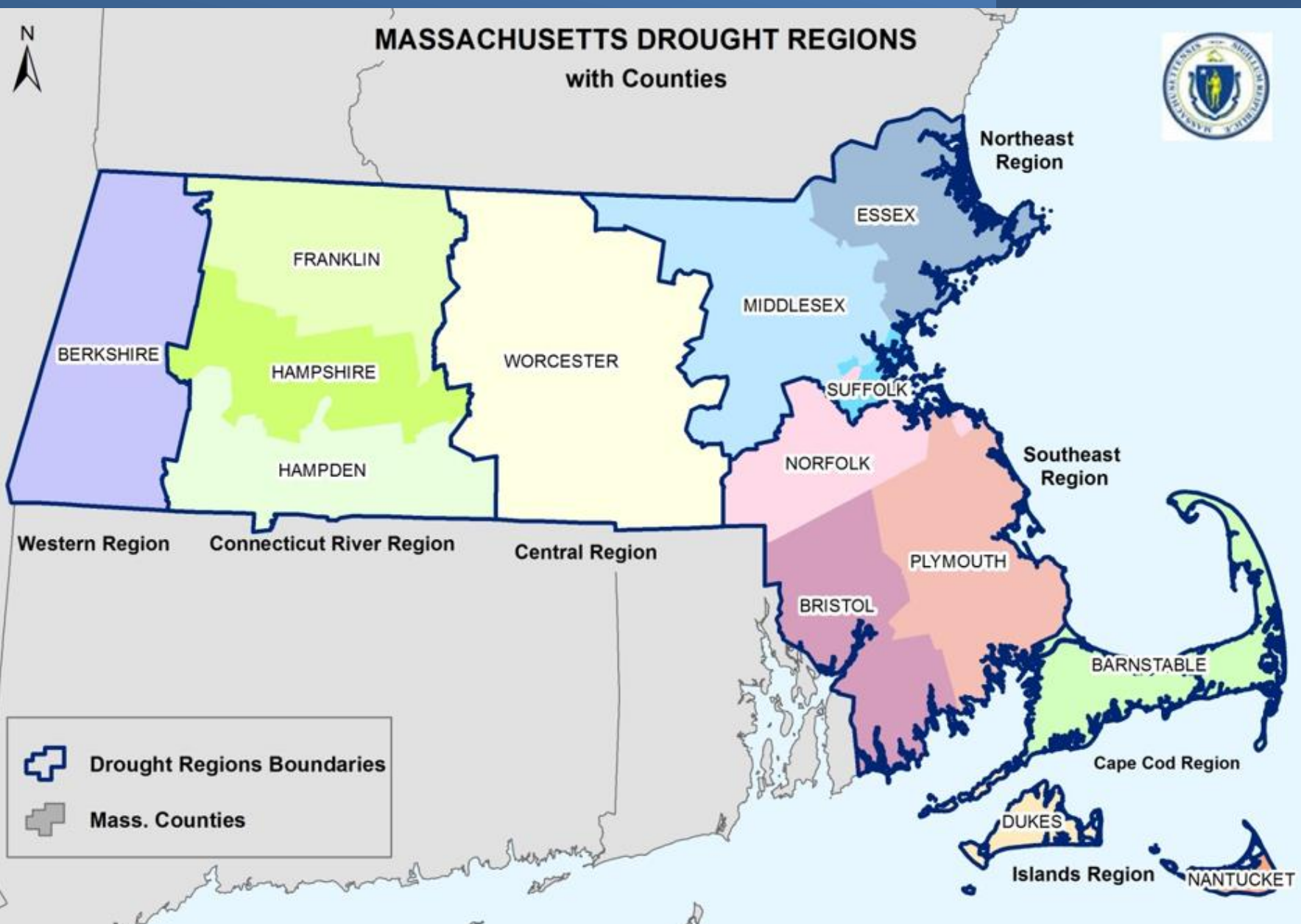
# MA Drought Management Plan

## Drought Indices

<b>Index Severity Level</b>	<b>Percentiles for: Precipitation, Streamflow, Lakes and Impoundments and Groundwater</b>
<b>0</b>	<b>&gt;30<sup>th</sup> percentile</b>
<b>1</b>	<b>≤30 and &gt;20</b>
<b>2</b>	<b>≤20 and &gt;10</b>
<b>3</b>	<b>≤10 and &gt;2</b>
<b>4</b>	<b>≤2</b>



# MASSACHUSETTS DROUGHT REGIONS with Counties



-  Drought Regions Boundaries
-  Mass. Counties



# Regulation Changes

- Two New Definitions added
  - Multi-Year Drought Storage
  - Nonessential Outdoor Water Use
- Changes limited to the following sections and topics
  - 36.07 Registration Conditions
    - Expanded to include restrictions on nonessential outside water use during drought
      - PWS
      - Golf Courses
    - Potential alternative plan for surface water only registered users
    - Implementation and reporting measures
  - 36.43 Orders, Violations, and Penalties
    - Clarifying authority

# Regulation Changes

## (New Definitions)

- **Multi-Year Drought Storage** means reservoir capacity of not < 3 times a registrant's authorized withdrawal and any required release established by statute, regulation, permit or other approval issued by a state or federal agency.
- **Nonessential Outdoor Water Use** means uses that are not required:
  - (a) for health or safety reasons;
  - (b) by statute or regulation;
  - (c) for the production of food, including vegetable gardens, and fiber;
  - (d) for the maintenance of livestock;
  - (e) to meet the core functions of a business including but not limited to:
    1. plant nurseries;
    2. golf courses as necessary to maintain greens and tees, and limited fairway watering;
    3. golf courses with an event venue, when limited to handwatering;
    4. professional washing of building surfaces, parking lots, driveways and/or sidewalks as necessary to apply treatments such as paint, preservatives, stucco, pavement, or cement;
  - (f) for irrigation of public parks and public recreation fields; or
  - (g) to establish a new lawn as necessary to stabilize soil in response to new construction or following repair/replacement of a Title 5 system.

# Alternative Restrictions Criteria

- Registered only systems supplied entirely by surface water reservoirs
- Multiple years of Reservoir Storage
  - Useable Reservoir Storage greater than 3 times the registered volume plus any required releases
  - Useable Reservoir Storage applies only to active water supply reservoirs that do not need further MassDEP approval for use



# Drought Management Plan Elements

Must present an approved plan that demonstrates systems can meet the following criteria:

- Drought stages determined by:
  - actual or modeled historical levels to set triggers shall include the drought of record;
  - days of supply remaining and seasonal levels of demand;
  - predicted drawdown and refill probabilities using appropriate models; or
  - a functionally equivalent method.
- Menu of actions triggered at each drought stage including restrictions;
- Protocols for communicating drought stages & actions to public, and officials;
- A strategy for establishing local enforcement authority & penalties for violations;
- A system to monitor and document water use reductions





# Golf Conditions

Registered Golf Courses would be required to implement Seasonal Demand Management Plan with graduated reductions in nonessential irrigation based on drought levels.

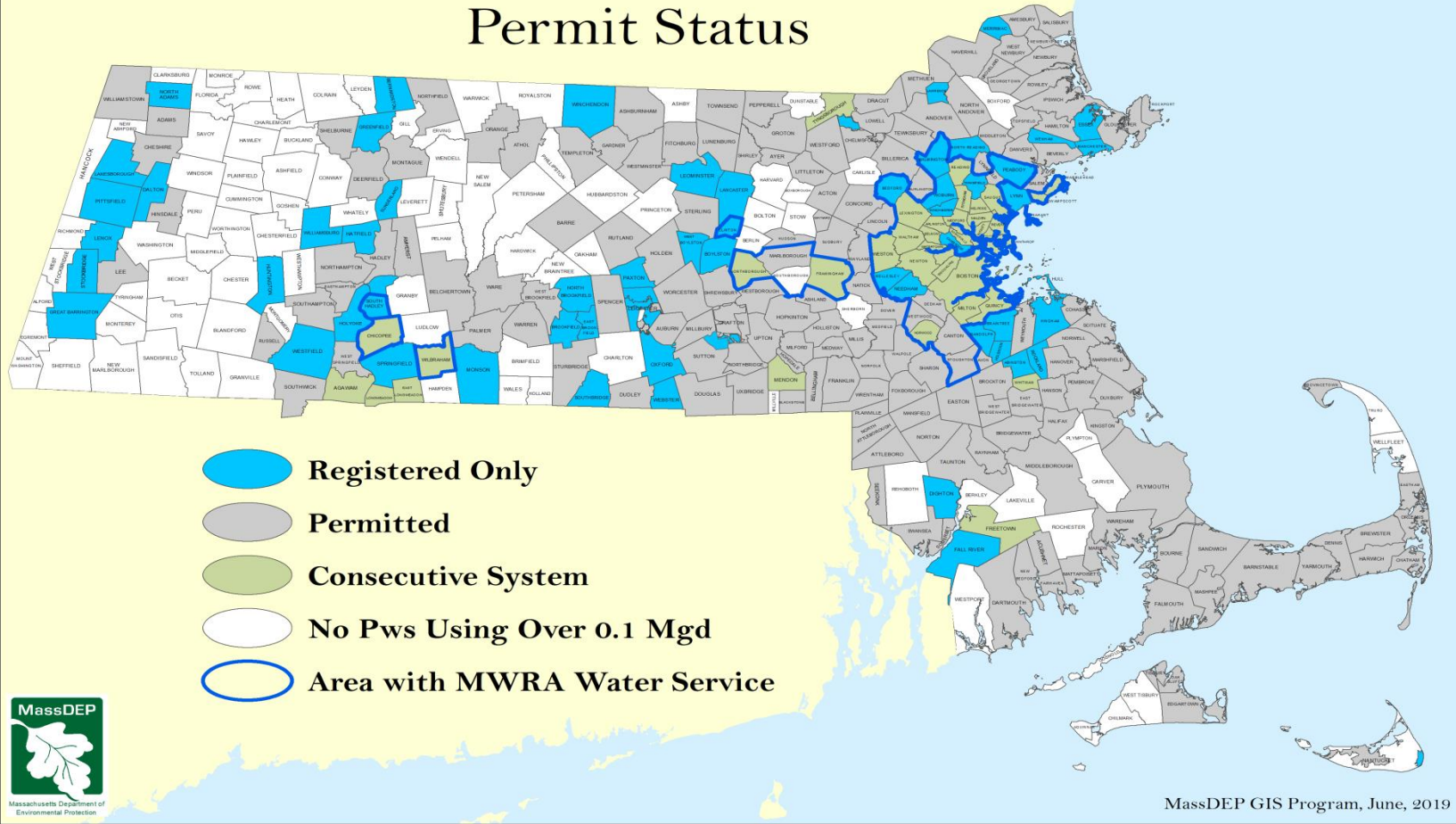
**Irrigation can be reduced either by reducing irrigation times, or by irrigating fewer acres  
Watering allowed up to designated percent**

MA Drought Level	Tees & Greens	Fairways	Roughs	Landscape & Ornamentals
Normal	100% Essential Use	100%	100%	100%
Level 1 (Mild)		80%†	50%†	0%
Level 2 (Significant)		60%†	0%	Courses whose core business includes a special event venue may continue to irrigate gardens, flowers and ornamental plants by means of hand-held hose or drip irrigation
Level 3 (Critical)		40%†		
Level 4 (Emergency) **		TBD		

† Irrigation use shall not occur between the hours of 9 a.m. and 5 p.m., except that hand-watering of hot spots may occur at any time

\*\* Additional actions to be determined by the Governor's Emergency Proclamation.

# WMA Registration and Permit Status



## Number of Registrations (based on August 2020 Permit Status)

Western Region	Central Region	Northeast Region	Southeast Region
22 + MWRA	16 + MWRA	18	6

# Statewide Totals by Water Use Type

All volumes in million gallons per day (mgd) (June 2019)

Water Use Type	Registered Volume	Permitted Volume	Total	% of Statewide Total
PWS (municipal) 63 registered only, 181 with permits	799.56	127.2	926.72	71.5%
Agriculture 27 registered only, 4 with permits	4.47	0.40	4.87	0.4%
Cranberry 322 registered only, 41 with permits	106.22	9.67	115.89	8.9%
Golf 87 registered only, 62 with permits	11.12	9.57	20.69	1.5%
Other 68 registered only, 54 with permits	191.51	37.37	228.88	17.6%
Totals 796 registrations, 347 permits	1113.20	184.06	1297.26	100%

**Registered volumes equal 86% of the total water allocated.**





# Next Steps for Regulation Revisions (and Registration Renewals Steps)

- **WMA Stakeholder input (January 21 & February 25, 2021)**
- **Public Comment period (June 11<sup>th</sup> – July 26<sup>th</sup>)**
  - **Public Hearings (July 7<sup>th</sup> and July 16<sup>th</sup>)**
  - **Water Resources Commission (WRC) Presentation (July 8<sup>th</sup>)**
- **WRC final review and approval (Fall 2021)**
- **Promulgate final regulations (Nov.-Dec. 2021)**
- **Registration Renewal Requests**
  - **Were due by June 30, 2021**
    - 92% of non-cranberry registrants responded
    - 83% of cranberry registrants responded
  - **New renewal filing deadline is in October 2022**
- **March- April 7, 2023 – Prepare & issue Registration Renewals**

# Public Comments

The proposed regulations are available for review on the MassDEP website at: <https://www.mass.gov/service-details/massdep-public-hearings-comment-opportunities>

Written Comments shall be submitted via e-mail (preferred) to: [dep.talks@mass.gov](mailto:dep.talks@mass.gov) and include WMA Regulations in the subject line.

Paper comments may be sent to:  
Massachusetts Department of Environmental Protection  
Bureau of Resource Protection – Water Management Program  
One Winter Street, 5th floor Boston,  
MA 02108  
Attention: WMA Regulations

Questions may be directed to Duane LeVangie at (617) 292-5706  
or [duane.levangie@mass.gov](mailto:duane.levangie@mass.gov)

