



# **Water Resources Management Advisory Committee Meeting**

**June 29, 2022**

**1- 3 pm**

**via**

**Zoom**

# Agenda

## **Item 1: Welcome and Introductions**

## **Item 2: WMA History, Purpose, and Current Use**

## **Item 3: WMA Permit Renewals**

- Permit Renewal Status Update
- Permit Renewal Schedule

## **Item 4: 2023 Registration Renewal Update**

- Alternative Restriction Criteria
- Drought Management Plan Elements

## **Item 5: Next Steps**



# WMA Stakeholders

- **AIM** (David Condrey)
- **RPA** (Patty Gambarini)
- **MMA** (Stephen Bartha)
- **Watershed Organization** (~~Julia Blatt~~ **Ian Cooke**)
- **Water Works** (Jennifer Pedersen)
- **Agricultural Association** (Brian Wick)
- **Environmental Organization** (~~Ian Cooke~~ **Julia Blatt**)
- **Consumer Organization** (Matthew Romero)
- **Public Member** (Wayne Castonguay)
- **Public Member** (Amy Rusiecki)
- **Well Driller Assoc.** (Roger Skillings, pending)

\* **revisions made post meeting**

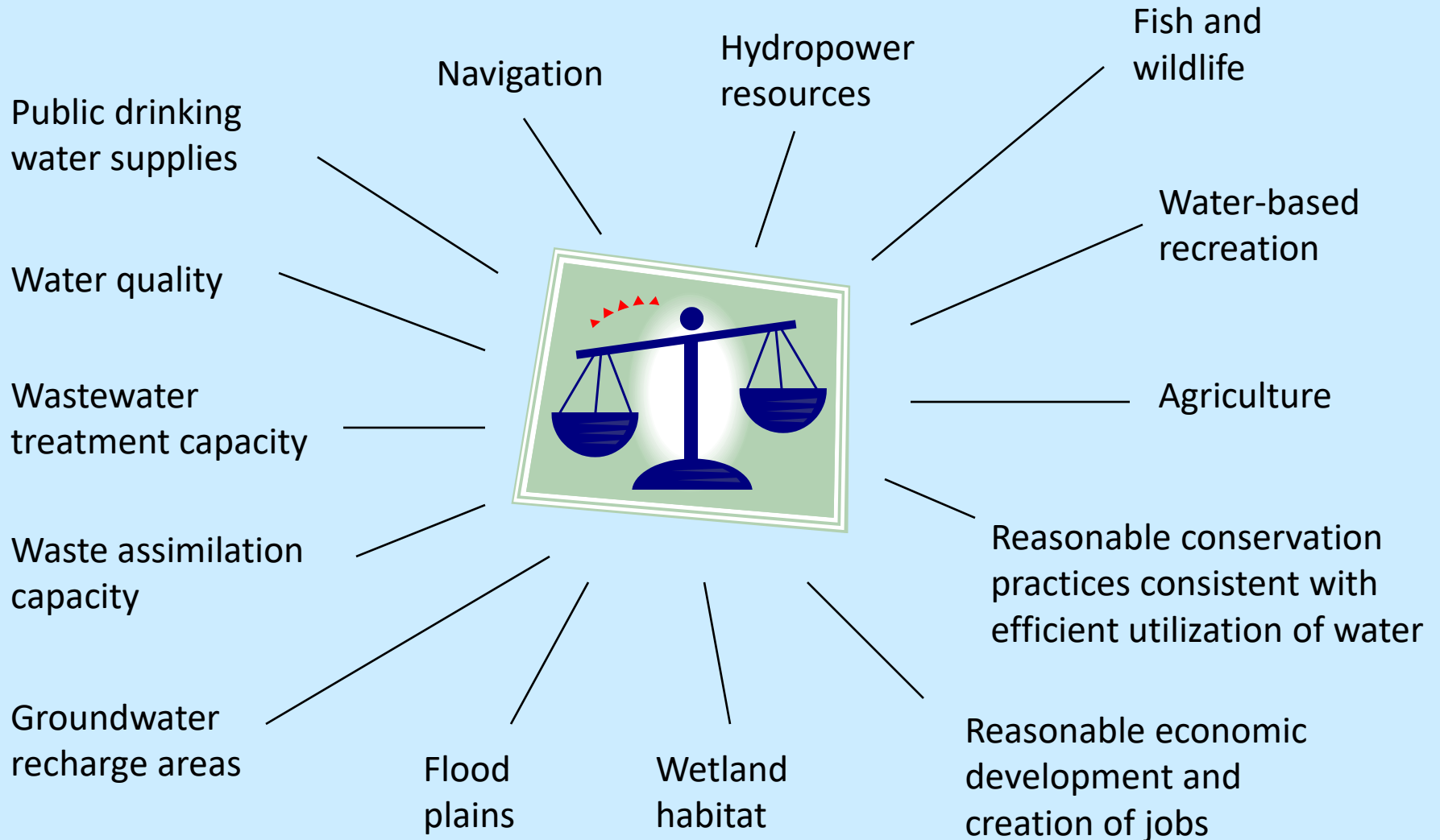


# Ethics and Open Meeting Law

- DEQE Statement of Purpose- 5/11/87
- WMA Ethic Commission Opinions
  - Conflict of Interest Opinion EC-COI-87-17 (6/10/87)
  - Letter to Stolfa, MassDEP General Counsel (11/17/2004)
- Open Meeting Law Guide and Educational Materials- January 2018
  - Return “Certificate of Receipt by July 13<sup>th</sup> Mtg

# Water Management Act Purpose

Chapter 21G, Section 7 **Reasonable protection of ...**



# WMA:

## Universe of Regulated Uses in Massachusetts

### Registrations (~780)

- Water rights based on prior use (1981-1985)
- Minimal conditions without regulation change
- ~85% of state's authorized volume
- Not subject to Safe Yield limitation

**All Registrations to be renewed by April 6, 2023**

### Permits (~345)

- New sources or additional volumes after registration period
- 20-year renewal on basin schedule with reviews
- Subject to conditions
- ~15% of state's authorized volume (but conditions touch ~ 50% of water)
- Cannot permit volumes above Safe Yield

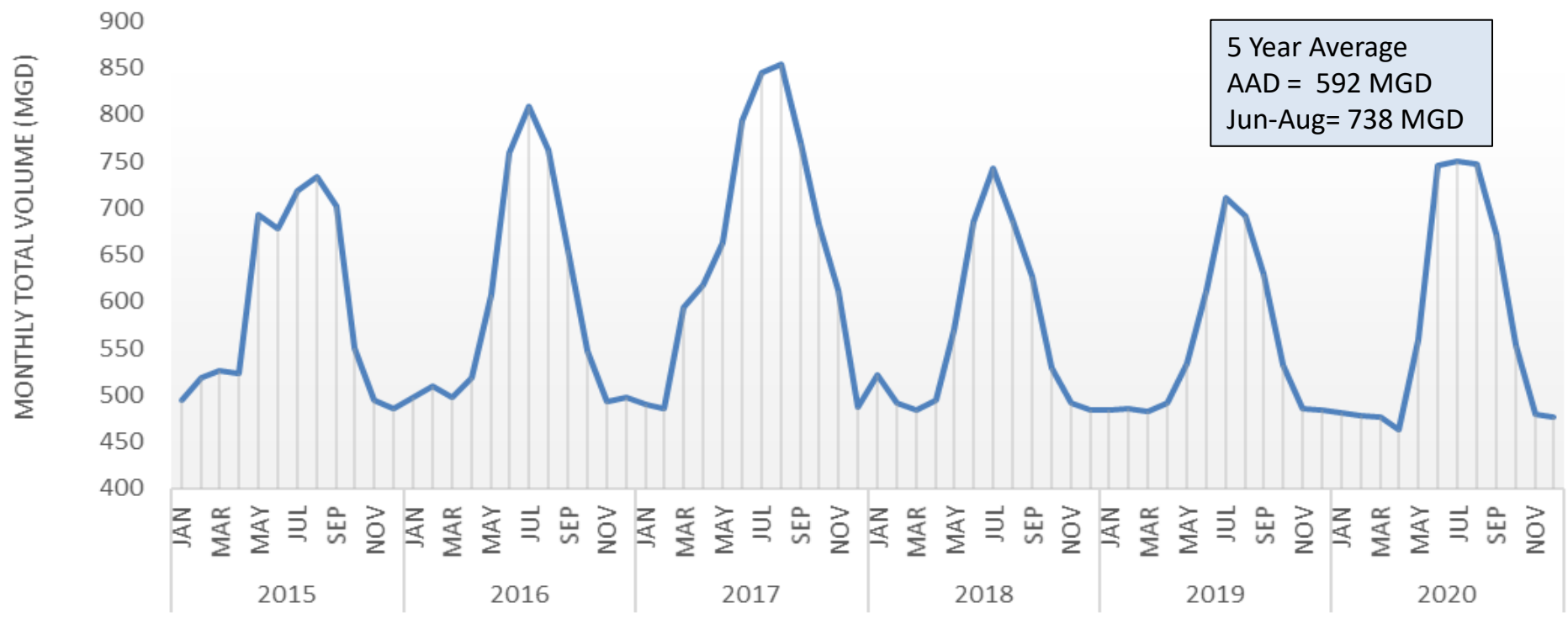
**Permit Renewals are ongoing**

# 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.**



Ave. Annual MGD	593	596	658	567	552	573
June-Aug Ave. MGD	710	777	830	704	671	748

# Public Water Use in MA (2015-2020)



# Sectoral Water Use Change

(2020 to 2015-2019 Average)

## Metered Water Use

2015-2019 Ave. = 483 MGD

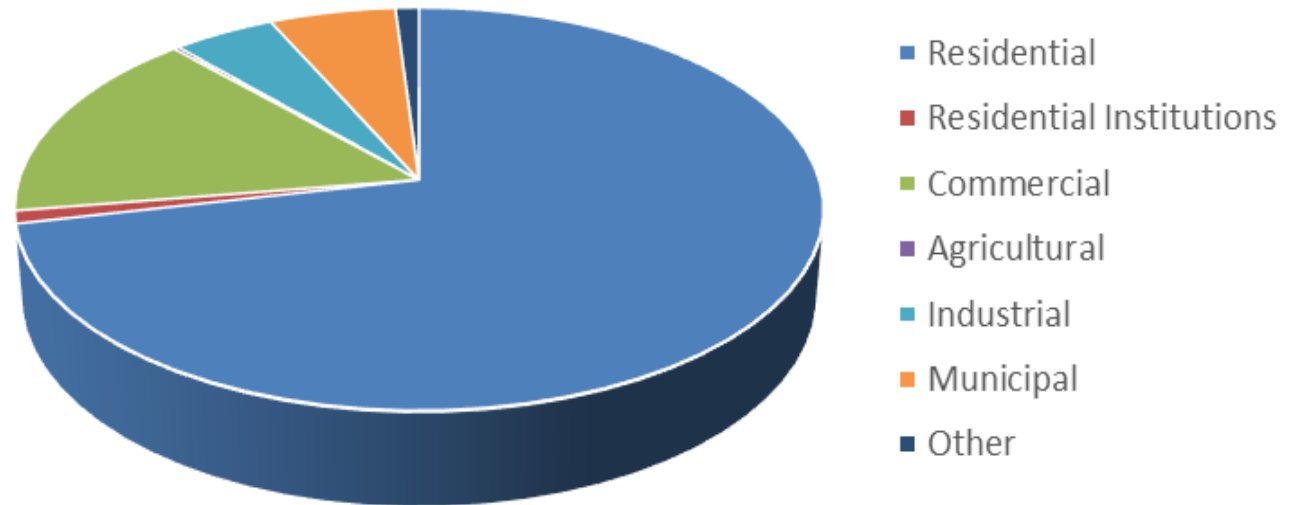
2020 Ave. = 472 MGD

## Residential Use

2015-2019 Ave. = 328 MGD

2020 Ave. = 338 MGD

Sectoral Water Used in 2020



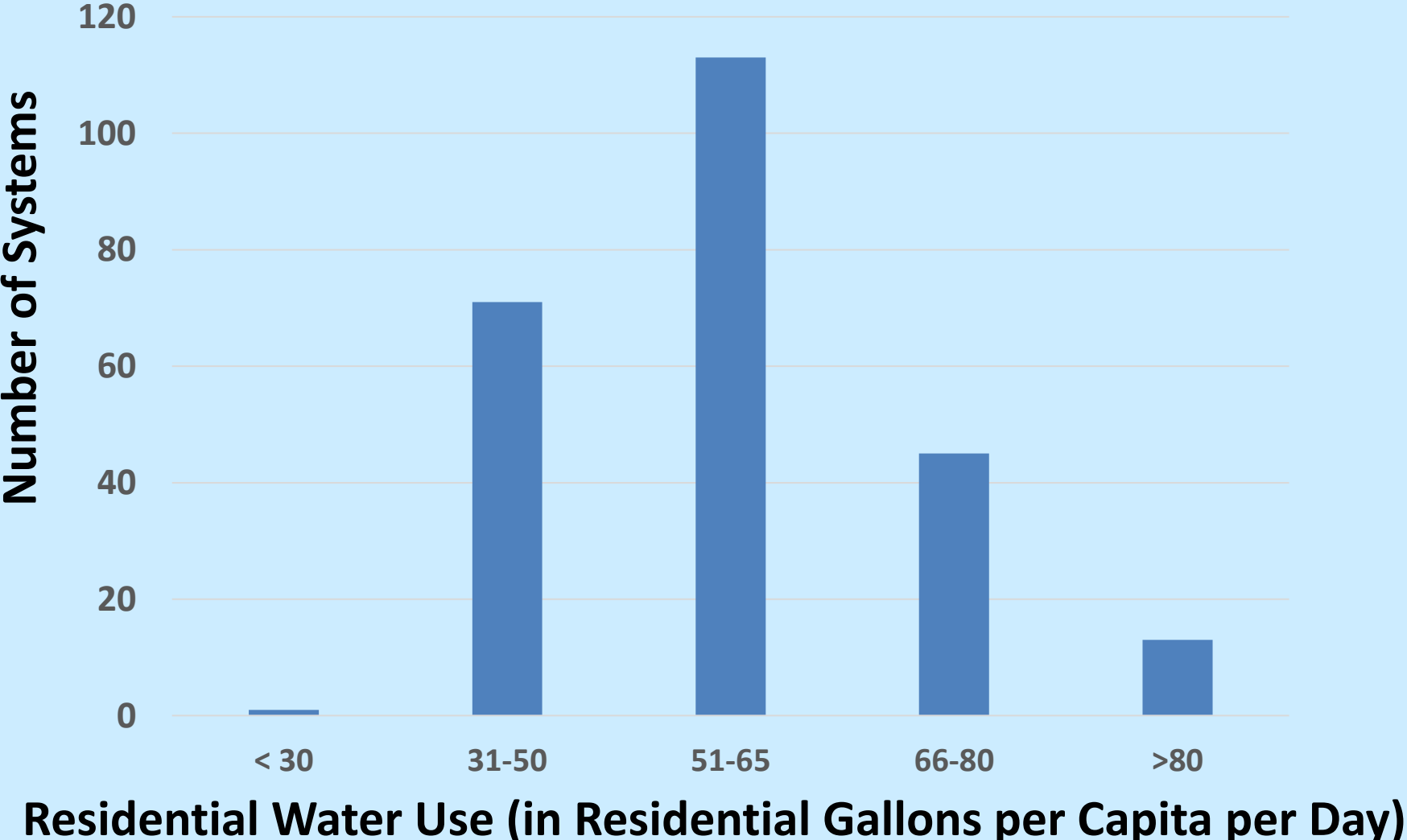
**Residential use was 72% of total water use in 2020, but 68% in 2015-2019 average**

# 2015-2020 RGPCD Data Summary

	2015	2016	2017	2018	2019	2020
RGPCD Average	58	58	55	55	54	59
# PWS at 65 ≤ (%)	198 (77%)	199 (78%)	217 (87%)	212 (81%)	227 (88%)	194 (76%)
# PWS at > 66	60	55	33	40	30	61
RGPCD Range	25/127	25/135	24/112	25/110	28/99	26/139

# Water Systems and Residential Water Use

## 2020 RGPCD



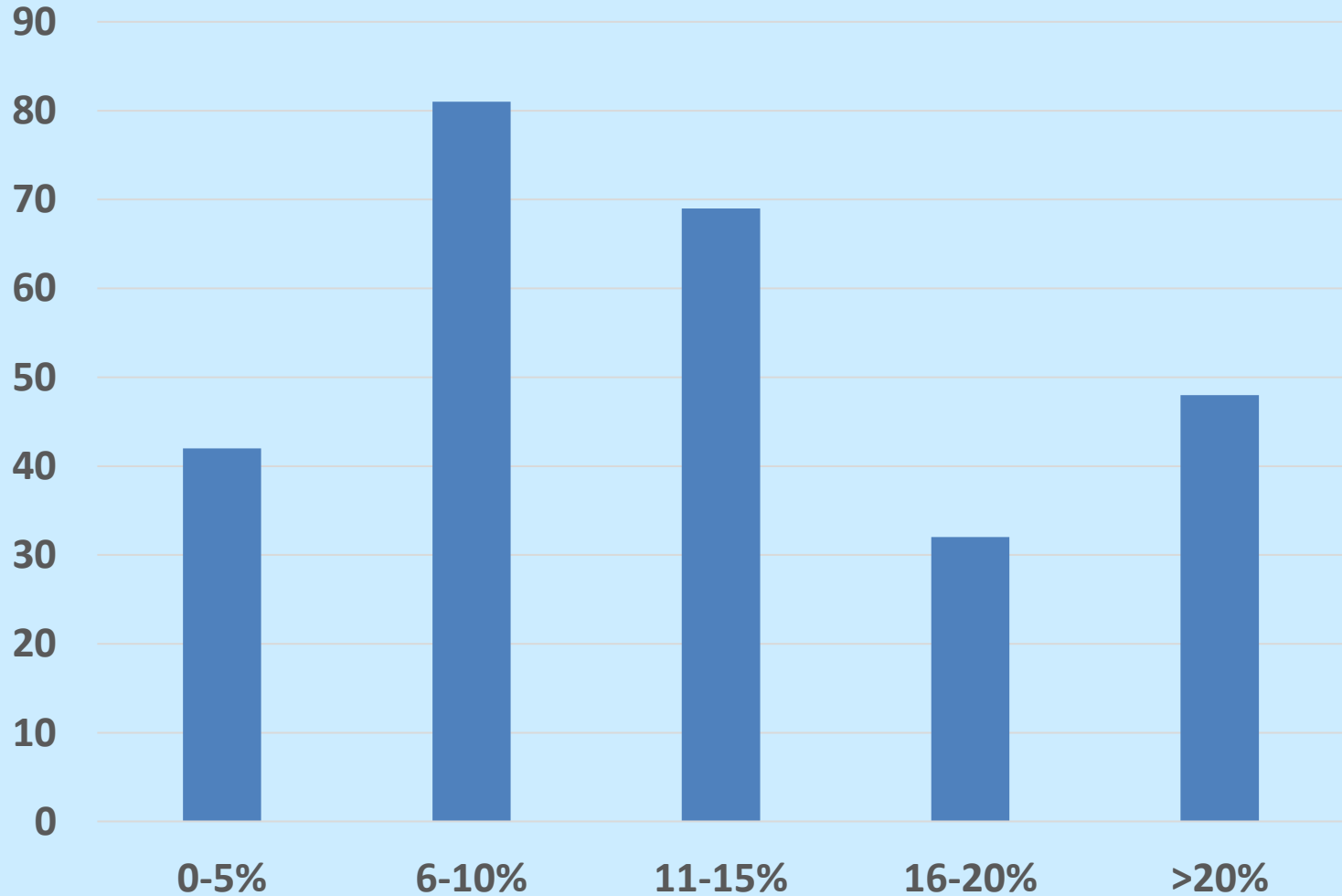
# Water Systems and Unaccounted for Water

## 2015-2020 UAW Data

	2015	2016	2017	2018	2019	2020
UAW Average (%)	15	13	14	14	14	13
# PWS with UAW of ≤10% (% meeting)	112 (41%)	128 (47%)	126 (47%)	126 (46%)	119 (43%)	125 (46%)
# of PWS with UAW >10 %	163	146	141	145	156	147
Reported UAW % Range	1/66	0/52	0/56	0/52	1/51	0/57

# Water Systems and Unaccounted for Water

2020 UAW



# Basins Undergoing Permit Renewal to Date- 6-1-2022

Basin	Total # Permits	# Renewals Complete	# PWS	# Golf	# Cran	# Other
South Coastal	19	18	12	4	2	1
Deerfield	2	2	1			1
Cape Cod	26	12	17	9		
Taunton	45	24	22	5	18	
Ipswich	5		4	1		
Boston Harbor	17	7	9	7		1
Concord	18	7	13	2		3
Charles	21		12	4		5
Islands	7	1	4	3		
Buzzards Bay	37	3	11	4	21	1
<b>Totals</b>	<b>197</b>	<b>74</b>	<b>105</b>	<b>39</b>	<b>41</b>	<b>12</b>

# Basins Undergoing Permit Review

as of 6/1/2022

Basin	Total # Permits	# Renewals Complete	# not Exceeding Baseline	Baseline*	Prior Allocation*	Renewed Allocation*	Renewed Allowed*
South Coastal	19	18	6	15.06	18.05	18.09	17.93
Deerfield	2	2	1	0.49	0.7	0.68	0.68
Cape Cod	26	12	2	8.78	9.95	9.63	9.63
Taunton	45	24	9	35.36	41.42	40.12	36.55
Ipswich	5						
Boston Harbor	17	7	5	3.31	4.36	3.74	3.74
Concord	18	7	6	11.00	12.73	11.19	10.36
Charles	21						
Islands	7	1		1.5	1.68	2.31	2.06
Buzzards Bay	37	3	1	0.51	0.53	0.79	0.78
Totals	197	74	30	76.01	89.42	86.55	81.73

\* Doesn't not include cranberry values

# ~~2021~~ 2023 Registration Renewal





# 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 April 7, 2023
  - cannot exceed 10 years



---

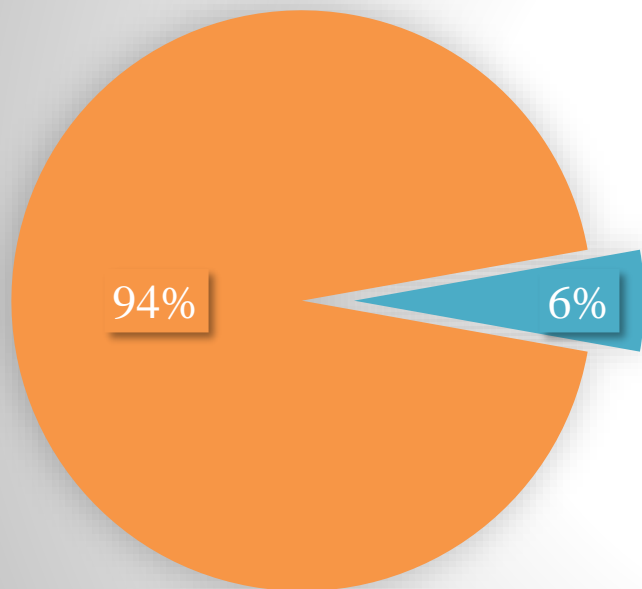
	<b>Registration Renewals mailed as 5/1/2021</b>	<b>Renewal Application Returned</b>	<b>No Response</b>	<b>Rate of Responded</b>
<b>Cranberry Growers</b>	339	294	45	86.7%
<b>Non- Cranberry Users</b>	449	420 + 4 Closed	25	94.4%
<b>Total</b>	788	714	70	91.1%

---

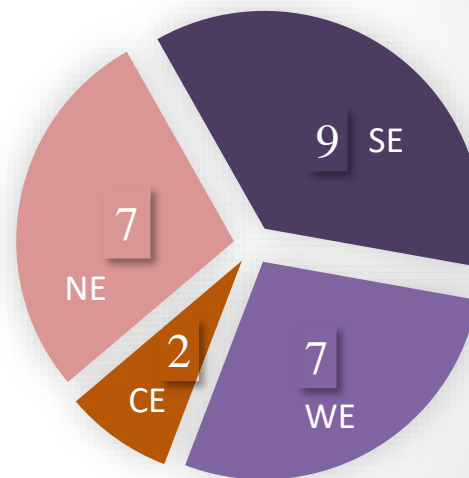
# Non-Cranberry Registration Renewal Status by DEP Region

WE

## State-wide Summary



## No Response by Region



- Received
- No Response-
- No Response- WE
- No Response- CE
- No Response- NE
- No Response- SE



# Registration Renewal Proposal

- During drought- condition nonessential water use
  - Align 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

# 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

87 Registered  
vs.  
62 permitted

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%†	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 2 (Significant)		60%†	0%	
Level 3 (Critical)		40%†		
Level 4 (Emergency) **		TBD	0%	0%

† 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.

# Expiration Dates

- Permit Extension Act
  - Chapter 240 of the Acts of 2010, and as amended by Chapter 238 of the Acts of 2012, extended permit expiration dates by 4 years
- Governor’s COVID-19 Order No.42 “Order Resuming State Permitting Deadlines and Continuing to Extend the Validity of Certain State Permits,” July 2, 2020
  - extended permit expiration dates up to 462 days
- Impact on Registrations
  - Permit Ext Act extended from 12/31/2017 to 12/31/2021
  - COVID Order extended from 12/31/2021 to 4/6/2023
  - No regulation change necessary



# Permit Term Expiration Dates

Water Source	Effective Date	First Expiration	Second Expiration
XXXXX Basin	August 31, 1988	August 31, 2008	August 31, 2028

<b>A. Basins Renewed for a second term prior to PEA</b>	<b>B. Basins Renewed for a second term after PEA</b>	<b>C. Basins with permits both renewed and not before Covid Order</b>	<b>D. Basins with no permits renewed from first term</b>
PEA & Covid Order both extend 2 <sup>nd</sup> expiration date	PEA Extended first expiration date		
	Covid Order applied to 2 <sup>nd</sup> expiration	2 <sup>nd</sup> expiration date adjusted to original schedule + Covid Order added	Covid Order not applicable because administrative continuance
Hudson Blackstone Charles North Coastal	Deerfield	Boston Harbor, South Coastal, Taunton; Cape; Islands; Concord, Buzzards Bay	15 Remaining basins



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

- **June 2022 - Convene Advisory/Stakeholder Group**
- **August – October 2022**
  - Internal development and review
  - Initial presentation to Water Resources Commission
  - Draft regulations released
  - Public comment and Public hearing Process
  - **Registration Renewal Request forms distributed in May-June 2021**
  - **June 1, 2021 – MassDEP sent a renewal reminder notice to all Registrants**
  - **October 6, 2022 – Last day for Registrants to file Renewal Request forms**
- **November - December 2022**
  - Prepare response to comments and revise draft regulations accordingly
  - Water Resources Commission approval
- **December 2022 - January 2023 - Promulgate final regulations**
- **February – April 6, 2023 – Prepare & issue Registration Renewals**

# Questions and Comments



# Next Steps

