



**Water Management Act  
310 CMR 36.00  
Regulation Change  
Public Hearing**

**Hearing Held via Zoom  
July 7 & July 16, 2021  
10 am**

# Meeting Rules

- All attending the meeting should sign into the Chat feature, please including affiliation as appropriate
- Public Comment should be submitted verbally in this hearing.
- Those wishing to verbally comment should raise their hand (all attendees will be muted) and Hearing Host will call on attendees.
  - Elected officials will have an opportunity to comment first.
  - Phone callers will be recognized at the end.
  - Commenters will be limited to two minutes but will have an opportunity to reenter the comment line.
- DEP is accepting Public Comment, this is not a question and answer period.

# 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

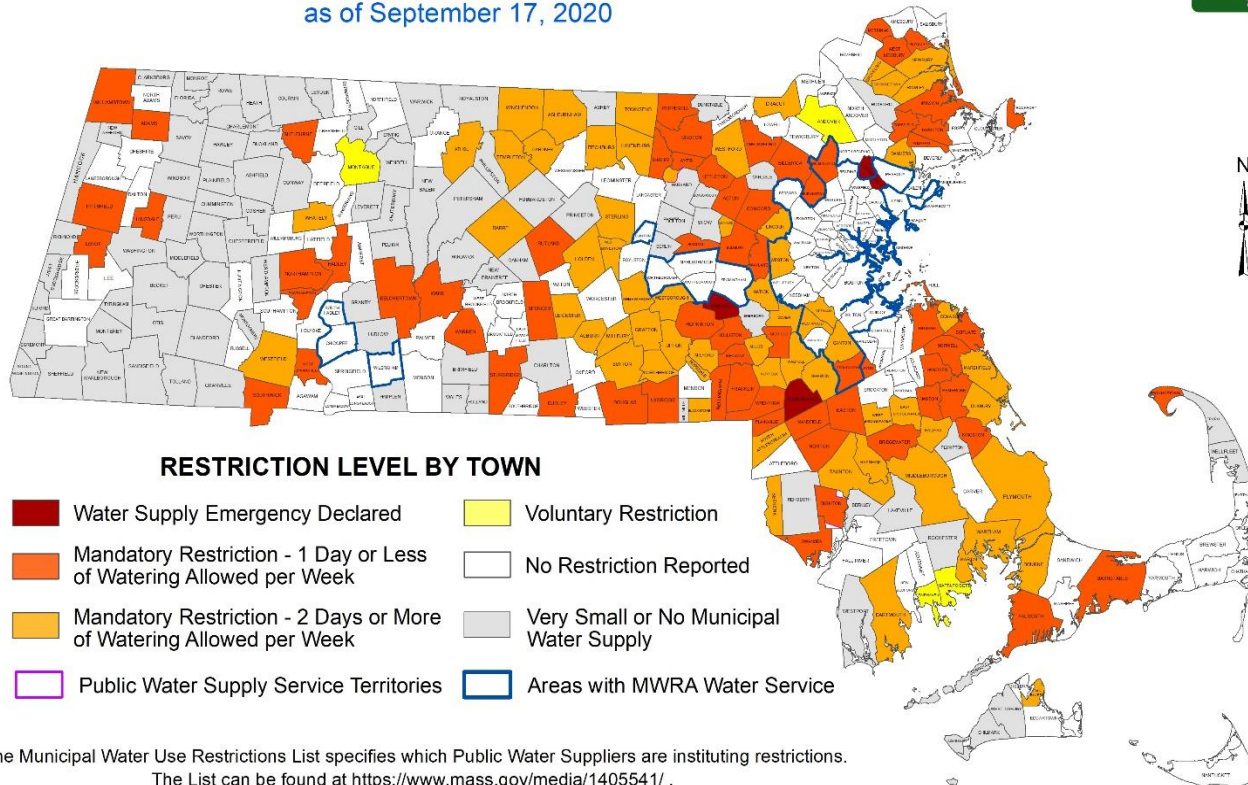
- Minimum Registration Conditions (at 310 CMR 36.07) applied to original Registration Statements (1988) are:
  - meter all withdrawals
  - calibrate meters
  - maintain records and report withdrawal data
- Most recent Registration Renewals (2008) included conservation performance standards (65/10) and 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 Ave.*	1.34

\* Not including Cape or Island PWS

Permitted      Consecutive system

# 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

# 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>





# 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



# 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.

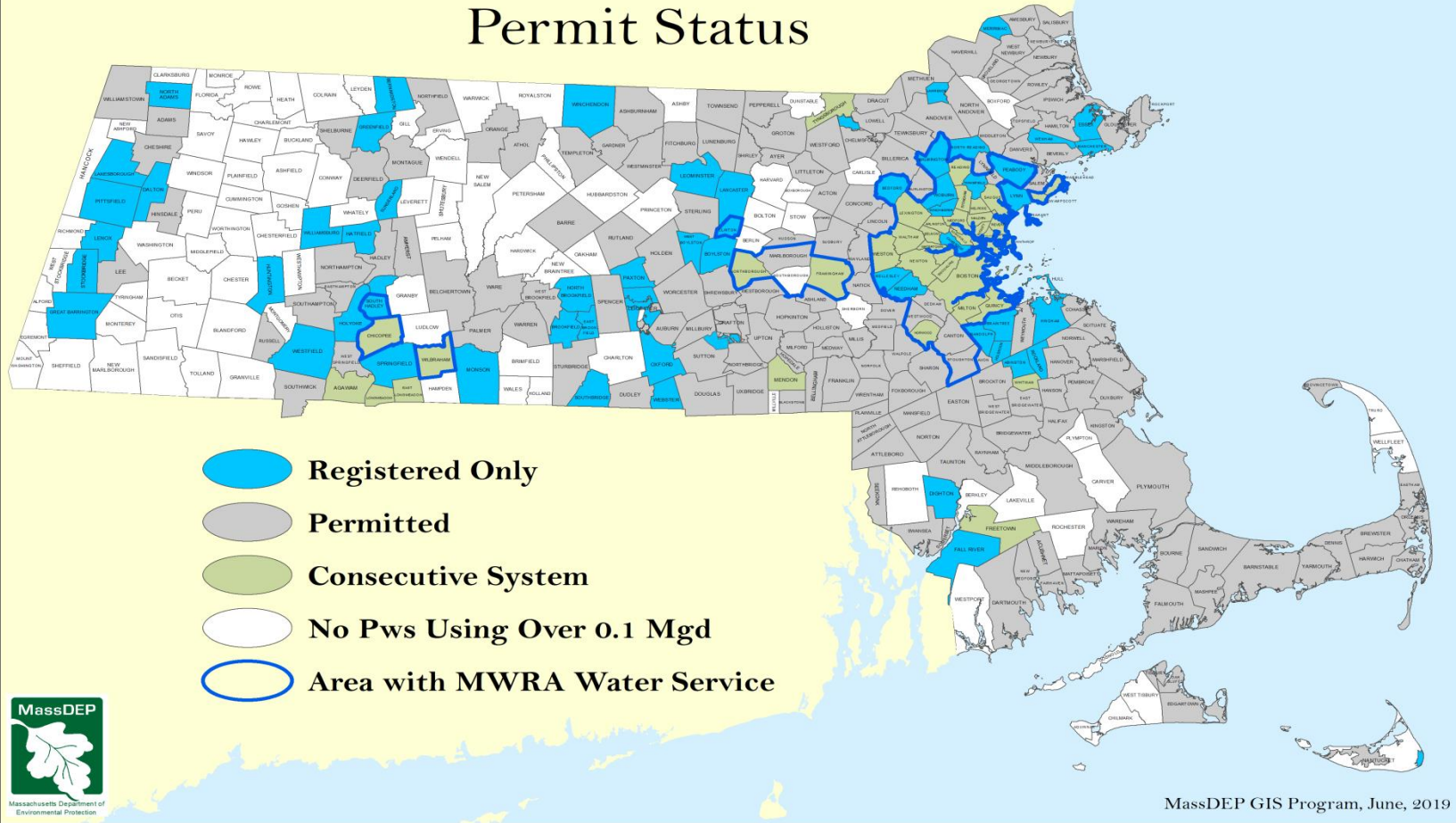
**Irrigation can be reduced either by reducing irrigation times, or by irrigating fewer acres**  
**Watering allowed up to designated percent**

MA Drought Level	Tees & Greens	Fairways	Roughs	Landscape & Ornamentals
Normal	100% Essential Use	100%	100%	100%
Level 1 (Mild)		80%†	50%†	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)

