

Water Management Act (MGL c. 21G) Regulation (310 CMR 36.00) Revisions Update

MA Water Resources Commission
September 11, 2014

Regulation Revision Timeline

Timeframe	Event
April 11	Publication in the Massachusetts Register
May 1 st – May 14 th	6 Public Hearings held across state
June 17	WMA Advisory Committee Meeting
July 10	Public Comment Process closed
July – August	Comments reviewed and changes drafted
September	Final Reviews
September 11	WRC review
September 15	WMA Advisory Committee review
September - October	30 Day Legislative Review
October 9	WRC Vote
October	Promulgation



Key Components of Revised Regulations

- Safe Yield – Major basin and annual time-step
- Streamflow Criteria – Subbasins categorized on flow and biological alteration
- Permit Requirements
 - Minimization– reduce existing impacts in most depleted areas
 - Mitigation- increasing impacts should be offset
 - Coldwater Fishery Resources – protect coldwater aquatic life
 - Alternative Analysis
- Regulation updates
- Guidance Document
 - Cost Feasibility
 - Implementation details



Comments

- 160+ Written comments received
 - 4 Senators
 - 5 Representatives
 - 44 PWS/Municipal comments
 - 17 Dracut Citizens
 - 21 Ipswich River Advocates
- 175 People attended the Public Hearings
 - 35 People provided verbal comment



Summary of Comments Received

- Water Supply/Municipal comments:
 - overly complex and burdensome
 - will require higher rates and hurt economic growth
 - PWS are asked to fix problems they cannot control
- Environmental Organizations/Advocates:
 - does not provide enough protection for environmental resources
 - not enough improvement required in our most impaired areas



Comments received – Part One

- Scientific underpinnings
- Registrations
- Safe Yield
 - Technical details
 - Legal/Policy
- Permits
 - Baseline
 - Permit length
 - Process/Implementation



Comments Received – Part Two

- Site Specific Fish Study
 - rebut the model and/or redefine mitigation
 - everyone should be able to conduct
- Minimization
 - Goal to improve to GWC 3
 - Open ended for costs
- Mitigation
 - cumulative impacts
 - effectiveness of indirect mitigation
 - retroactive credits back to 2005
 - feasibility



Regulation Revisions

Proposed revisions are still being reviewed

- Regulation changes may include:
 - clarification to definitions
 - date and citation corrections
 - added language to clarify conservation requirements & reservoir release requirements



Guidance Revisions

Proposed changes to Guidance may include:

- conservation plan requirements for golf courses and cranberry growers
- providing additional guidance on site specific study requirements
- criteria for assessing the feasibility of alternative sources
- listing upstream options in the hierarchy of mitigation

River Basin Permitting Dates

1 Year Interim Permits
expected to be issued.

Basins previously permitted to be
adjusted at next 5-Year Review

Water Source	Projected 5- Year Review Issuance
Hudson	November 2015
Blackstone	February 2017
Charles	February 2017
North Coastal	February 2016

Water Source	Expiration Date	Outreach Meeting
Cape Cod *	November 2014	January 2015
Ipswich *	Early 2015	March 2015
Boston Harbor * /Taunton *	February 2015	April 2015
Islands *	February 2015	May 2015
Buzzards Bays	May 2015	February 2015
Concord	August 2015	May 2015
South Coastal *	August 2015	October 2014
Ten Mile	November 2015	August 2014
Deerfield	February 2016	November 2014
Housatonic	May 2016	February 2015
Westfield	November 2016	August 2015
Millers	February 2017	November 2015
Chicopee	May 2017	February 2016
Quinebaug	August 2017	May 2016
Connecticut	November 2017	August 2016
Nashua	February 2018	November 2016
French	May 2018	February 2017
Shawsheen	August 2018	May 2017
Merrimack	November 2018	August 2017
Parker	February 2019	November 2017
Narragansett	May 2019	February 2018

*Basins with Permits on File



Further information

- MassDEP Technical Resources webpage can be found at:
<http://www.mass.gov/eea/agencies/massdep/water/watersheds/sustainable-water-management-initiative-swmi.html>
- Additional questions, feel free to contact: Duane LeVangie, at duane.levangie@state.ma.us or by phone at (617) 292-5706