### Southeast Region Registrations (not including cranberry growers)

ACUSHNET -V42400303 -KEITHS TREE FARM & NURSERY

ATTLEBORO -42501601 -TEXAS INSTRUMENTS

ATTLEBORO -42501602 -ATTLEBORO DEPARTMENT PUBLIC WORKS

ATTLEBORO -42701601 -ATTLEBORO DEPARTMENT PUBLIC WORKS

AVON -42501801 -AVON WATER DEPARTMENT

BARNSTABLE -V42202003 -SHERATON HYANNIS RESORT

BARNSTABLE -42202001 -CENTERVILLE OSTERVILLE WATER DEPT

BARNSTABLE -42202008 -HYANNISPORT CLUB

BARNSTABLE -42202009 -OYSTER HARBORS GOLF CLUB

BARNSTABLE -42202010 -WIANNO CLUB INC

BARNSTABLE -42202013 -HYANNIS WATER SYSTEM

BARNSTABLE -42202014 -COTUIT FIRE DISTRICT WATER DEPARTMENT

BARNSTABLE -42202015 -BARNSTABLE FIRE DISTRICT

BARNSTABLE -42202022 -HYANNIS GOLF COURSE

BERKLEY -V42510204 -TOWN LINE FARM

BOURNE -42203601 -POCASSET GOLF CLUB INC

BOURNE -42203602 -BOURNE WATER DISTRICT

BOURNE -42103603 -NORTH SAGAMORE WATER DISTRICT

BOURNE -42403606 -BUZZARDS BAY WATER DISTRICT

BRAINTREE -41904001 -BRAINTREE WATER & SEWER DEPARTMENT

BREWSTER -42204101 -BREWSTER WATER DEPARTMENT

BREWSTER -42204104 -OCEAN EDGE GOLF CLUB

BREWSTER -42204105 -CAPTAINS GOLF COURSE

BRIDGEWATER -42504201 -BRIDGEWATER WATER DEPARTMENT

BROCKTON -V42504401 -CHURCHILL LINEN SERVICE

BROCKTON -42104401 -BROCKTON DPW- WATER DIVISION

BROCKTON -42504402 -BROCKTON DPW WATER DIVISION

BROCKTON -42504403 -BROCKTON COUNTRY CLUB

BROCKTON -42504404 -THORNY LEA GOLF CLUB

CANTON -41905001 -BLUE HILL COUNTRY CLUB

CANTON -41905004 -DCR PONKAPOAG GOLF COURSE

CARVER -42405216 -CAPE COD READY MIX

CHATHAM -42205501 -CHATHAM WATER DEPARTMENT

CHATHAM -42205503 -EASTWARD HO COUNTRY CLUB INC (Revised)

COHASSET -42106501 -COHASSET WATER DEPARTMENT

DARTMOUTH -42407202 -DARTMOUTH WATER DEPARTMENT

DENNIS -42207501 -TOWN OF DENNIS GOLF COURSES

DENNIS -42207502 -DENNIS WATER DISTRICT

DIGHTON -42507601 -DIGHTON WATER DISTRICT

DIGHTON -42607601 -DIGHTON WATER DISTRICT

DUXBURY -42108205 -DUXBURY WATER DEPARTMENT

DUXBURY -42108212 -DUXBURY YACHT CLUB

EAST BRIDGEWATER -42508304 -EAST BRIDGEWATER WATER DEPARTMENT

EAST BRIDGEWATER -42508306 -C N SMITH FARM INC

EASTON -42508801 -EASTON WATER DEPARTMENT

EASTON -42508802 -EASTON COUNTRY CLUB

EASTON -V42508803 -PINE OAKS GOLF COURSE

EDGARTOWN -42308901 -EDGARTOWN WATER DEPARTMENT

FAIRHAVEN -42409401 -FAIRHAVEN WATER DEPARTMENT

FALL RIVER -42409501 -FALL RIVER WATER DEPARTMENT

FALL RIVER -42609501 -FALL RIVER WATER DEPARTMENT

FALMOUTH -42209601 -PAUL HARNEY GOLF CLUB

FALMOUTH -42209604 -CAPE COD C C GREEN MEADOW G C INC

FALMOUTH -42209605 -FALMOUTH COUNTRY CLUB

FALMOUTH -42209606 -WOODS HOLE GOLF CLUB

FALMOUTH -42209607 -FALMOUTH WATER DEPARTMENT

FOXBOROUGH -41909901 -FOXBOROUGH WATER DEPARTMENT

FOXBOROUGH -42509901 -FOXBOROUGH COUNTRY CLUB INC

HALIFAX -42511801 -HALIFAX WATER DEPARTMENT

HALIFAX -42511803 -COUNTRY CLUB HALIFAX

HANOVER -42112202 -HANOVER WATER DEPARTMENT

HANSON -42512301 -HANSON WATER DEPARTMENT

HARWICH -42212601 -HARWICH WATER DEPARTMENT

HARWICH -42212607 -CRANBERRY VALLEY GOLF COURSE

HINGHAM -41913101 -WEIR RIVER WATER SYSTEM WTP

HOLBROOK -41913301 -RANDOLPH HOLBROOK JOINT WATER BOARD

KINGSTON -42114508 -KINGSTON WATER DEPARTMENT

LAKEVILLE -42514601 -POQUOY BROOK GOLF COURSE

LAKEVILLE -42529304 -LAKEVILLE COUNTRY CLUB

MANSFIELD -V42516701 -FLINTLAND FARMS

MANSFIELD -42516701 -MANSFIELD WATER DEPARTMENT

MANSFIELD -42716701 -MANSFIELD WATER DEPARTMENT

MARION -42416910 -MARION WATER DIVISION

MARSHFIELD -42117102 -MARSHFIELD COUNTRY CLUB

MARSHFIELD -42117105 -MARSHFIELD WATER & SEWER DEPARTMENT

MASHPEE -42217201 -MASHPEE WATER DISTRICT

MASHPEE -42217202 -QUASHNET VALLEY GOLF COURSE

MASHPEE -42217203 -CONCERT NEW SEABURY -WMA Reg-Transferred

MATTAPOISETT -42417301 -MATTAPOISETT WATER & SEWER DEPT

MIDDLEBOROUGH -42518203 -MIDDLEBORO WATER SUPPLY

MIDDLEBOROUGH -42518226 -WL BYRNE INC

NANTUCKET -42319702 -SIASCONSET WATER DEPARTMENT

NANTUCKET -42319703 -WANNACOMET WATER CO

NANTUCKET -42319704 -BARTLETT'S OCEAN VIEW FARM

NANTUCKET -42319705 -SANKATY HEAD GOLF CLUB

NEW BEDFORD -42420101 -REVERE COPPER PRODUCTS INC

NEW BEDFORD -42520101 -NEW BEDFORD WATER DEPARTMENT

NORTH ATTLEBOROUGH -42721101 -US FISH AND WILDLIFE SERVICE

NORTH ATTLEBOROUGH -42721102 -BORO SAND & STONE

NORTH ATTLEBOROUGH -42721103 -NORTH ATTLEBORO WATER DEPARTMENT

NORTON -42521801 -NORTON WATER DEPARTMENT

NORWELL -41921901 -NORWELL WATER DEPARTMENT

NORWELL -42121902 -NORWELL WATER DEPARTMENT

OAK BLUFFS -42322101 -OAK BLUFFS WATER DISTRICT

OAK BLUFFS -42322102 -FARM NECK GOLF CLUB

ORLEANS -42222401 -ORLEANS WATER DEPARTMENT

OTIS AFB -V42222501 -USCG GOLF COURSE OTIS ANGB

OTIS AFB -42222502 -OTIS COAST GUARD BASE

PEMBROKE -42123101 -PEMBROKE WATER DEPARTMENT

PEMBROKE -42123107 -PEMBROKE COUNTRY CLUB INC

PLAINVILLE -42523801 -PLAINVILLE BOARD OF WATER COMMISSIONERS

PLAINVILLE -42723801 -PLAINVILLE BOARD OF WATER COMMISSIONERS

PLYMOUTH -42112201 -TL EDWARDS INC

PLYMOUTH -42123916 -LINCHRIS HOTEL CORP

PLYMOUTH -42123928 -WHITE CLIFFS COMM ASSOCIATION

PROVINCETOWN -42224201 -PROVINCETOWN WATER DEPARTMENT

RAYNHAM -42524501 -NORTH RAYNHAM WATER DISTRICT

RAYNHAM -42524502 -RAYNHAM CENTER WATER DISTRICT

REHOBOTH -42624704 -CRESTWOOD COUNTRY CLUB

ROCKLAND -42125101 -ABINGTON & ROCKLAND JT WATER WORKS

ROCKLAND -42525101 -ABINGTON & ROCKLAND JT WATER WORKS

SANDWICH -42226108 -SANDWICH WATER DISTRICT

SANDWICH -42226109 -CANAL GENERATING LLC

SANDWICH -42226112 -SANDWICH HOLLOWS GOLF COURSE (Revised)

SANDWICH -42226113 -SANDWICH STATE FISH HATCHERY

SCITUATE -42126401 -SCITUATE DPW WATER DIVISION

SCITUATE -V42126402 -HATHERLY COUNTRY CLUB

SEEKONK -42626501 -FOUR TOWN FARM INC

SEEKONK -42726501 -SEEKONK WATER DISTRICT

SEEKONK -42726502 -LEDGEMONT COUNTRY CLUB

SHARON -41926602 -SPRING VALLEY COUNTRY CLUB

SHARON -41926603 -SHARON WATER DEPARTMENT

SHARON -42526601 -SHARON WATER DEPARTMENT

SOMERSET -42527301 -SOMERSET WATER DEPARTMENT

STOUGHTON -41928502 -STOUGHTON DPW WATER DIVISION

STOUGHTON -42528502 -STOUGHTON DPW WATER DIVISION

SWANSEA -42624705 -BRISTOL COUNTY WATER AUTHORITY

SWANSEA -42629201 -SWANSEA WATER DISTRICT

TAUNTON -42507602 -HARODITE INDUSTRIES INC

TAUNTON -42529302 -TAUNTON WATER DEPARTMENT

TISBURY -42329602 -TISBURY WATER WORKS

TISBURY -42329603 -MINK MEADOWS GOLF CLUB

WALPOLE -41930701 -WALPOLE SEWER & WATER DEPARTMENT

WALPOLE -41930702 -HOLLINGSWORTH & VOSE COMPANY

WAREHAM -42431012 -WAREHAM FIRE DISTRICT

WAREHAM -42431031 -ONSET FIRE DISTRICT

WEST BRIDGEWATER -42532201 -WEST BRIDGEWATER WATER DEPARTMENT

WEYMOUTH -41933601 -WEYMOUTH DEPARTMENT OF PUBLIC WORKS

WHITMAN -42533801 -RIDDER FARM INCORPORATED

WRENTHAM -41235001 -BIG APPLE REALTY TRUST

WRENTHAM -42035001 -WRENTHAM DPW WATER DIVISION

WRENTHAM -42035002 -WRENTHAM DEVELOPMENTAL CENTER

WRENTHAM -42535001 -WRENTHAM DPW WATER DIVISION

YARMOUTH -42235101 -BLUE ROCK GOLF COURSE

YARMOUTH -42235102 -CUMMAQUID GOLF CLUB

YARMOUTH -42235105 -TOWN OF YARMOUTH GOLF COURSES

### YARMOUTH -42235106 -YARMOUTH WATER DEPARTMENT (Revised)



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

KEITHS TREE FARM & NURSERY 1149 MAIN ST ACUSHNET, MA 02743

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #V42400303 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/ACUSHNET -# V42400303 - KEITHS TREE FARM & NURSERY- WMA-Registration -2023-/04-/06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Water Withdrawals Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, as applicable.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.

Many Registrants also hold Water Management Act permits. If the Registrant holds a Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: V42400303 River Basin: BUZZARDS BAY

Registrant: KEITHS TREE FARM & NURSERY

Use: Agriculture

Average Volume per Day (MGD): 0.06 Total Annual Volume (MGY): 11.23

Days of Operation: 183

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 0 Surface water: 1

Source IDTypeSource NameWM4615-01SSAcushnet River

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

#### 3. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 4. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 5. Registration Renewal

This Registration Statement is effective from April 8, 2023, and expires on April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 6. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

A copy of this Registration Statement shall be included with a Notice of Claim. The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

TEXAS INSTRUMENTS 13570 N CENTRAL EXPRESSWAY MS3690 ATTN: ENV REMEDIATION DALLAS, TX 75265

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42501601 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/ATTLEBORO-# 42501601-TEXAS INSTRUMENTS- WMA-Registration -2023/04/06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Water Withdrawals Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, as applicable.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.

Many Registrants also hold Water Management Act permits. If the Registrant holds a Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.



## Department of Environmental Protection

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Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42501601 River Basin: TAUNTON

Registrant: TEXAS INSTRUMENTS

Use: Industry

Average Volume per Day (MGD): 0.30 Total Annual Volume (MGY): 111.00

Days of Operation: 365

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 4
Groundwater: 4 Surface water: 0

Source ID	<b>Type</b>	Source Name
WM3676-01G	G	WELL #1
WM3676-02G	G	WELL #3
WM3676-03G	G	WELL #7
WM3676-04G	G	WELL #11

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

#### 3. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 4. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 5. Registration Renewal

This Registration Statement is effective from April 8, 2023, and expires on April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 6. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

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Boston, MA 02114

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Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

ATTLEBORO DEPARTMENT PUBLIC WORKS 77 PARK STREET CITY HALL ATTLEBORO, MA 02703

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42501602 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/ATTLEBORO-# 42501602-ATTLEBORO DEPARTMENT PUBLIC WORKS- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42501602 River Basin: TAUNTON

Registrant: ATTLEBORO DEPARTMENT PUBLIC WORKS

Use: Public Water Supply

Average Volume per Day (MGD): 1.62 Total Annual Volume (MGY): 591.30

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 0 Surface water: 1

Source ID 4016000-05S Type Source Name WADING RIVER

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

#### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

ATTLEBORO DPW WATER DIVISION 77 PARK STREET CITY HALL ATTLEBORO, MA 02703

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42701601 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/ATTLEBORO-# 42701601-ATTLEBORO DPW WATER DIVISION- WMA-Registration -2023-04-06



## Department of Environmental Protection

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Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

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Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42701601 River Basin: TEN MILE

Registrant: ATTLEBORO DPW WATER DIVISION

Use: Public Water Supply

Average Volume per Day (MGD): 3.67 Total Annual Volume (MGY): 1339.80

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 0 Surface water: 2

Source ID	<u>Type</u>	Source Name
4016000-03S	S	Manchester Pond
4016000-04S	S	ORR'S POND

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

#### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

#### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

AVON WATER DEPARTMENT 65 EAST MAIN STREET AVON, MA 02322

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42501801 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/AVON-# 42501801-AVON WATER DEPARTMENT- WMA-Registration -2023-04-06



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42501801 River Basin: TAUNTON

Registrant: AVON WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 0.45 Total Annual Volume (MGY): 164.25

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 6

Groundwater: 6 Surface water: 0

Source ID	<b>Type</b>	Source Name
4018000-01G	G	WELL #1
4018000-02G	G	WELL #2
4018000-03G	G	PORTER WELL
4018000-04G	G	THEATER WELL #3
4018000-05G	G	CONNELLY ROAD WELL #4
4018000-07G	G	WELLFIELD #3

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

#### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

#### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor

Bonnie Heiple Commissioner

April 6, 2023

CENTERVILLE OSTERVILLE WATER DEPT 1138 MAIN STREET PO BOX 369 OSTERVILLE, MA 02655

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42202001 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleer M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/OSTERVILLE-# 42202001-CENTERVILLE OSTERVILLE WATER DEPT- WMA-Registration -2023-04-06



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (see 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor

Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42202001 River Basin: CAPE COD

Registrant: CENTERVILLE OSTERVILLE WATER DEPT

Use: Public Water Supply

Average Volume per Day (MGD): 1.98 Total Annual Volume (MGY): 722.70

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 15

Groundwater: 15 Surface water: 0

Source ID	<b>Type</b>	Source Name
4020002-02G	G	ARENA
4020002-03G	G	LUMBERT MILL (#5)
4020002-04G	G	CRAIGVILLE (#7)
4020002-05G	G	LUMBERT MILL (#9)
4020002-06G	G	DAVIS (#10)
4020002-07G	G	CRAIGVILLE (#8)
4020002-08G	G	CRAIGVILLE (#11)
4020002-09G	G	MURRAY (#12)
4020002-10G	G	MURRAY (#13)
4020002-11G	G	HAYDEN (#14)
4020002-12G	G	HAYDEN (#15)
4020002-13G	G	HARRISON (#16)
4020002-20G	G	Well #1

Source ID	<b>Type</b>	Source Name
4020002-21G	G	Well #2
4020002-22G	G	Well #3

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

#### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

#### Nonessential Outdoor Water Use means a use that is not required:

- (a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;
- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at www.mass.gov/dep and at www.mass.gov/info-details/drought-status.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

#### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### **6. Effect On Any Pending And Future Actions**

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310

CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023		
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date		



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

HYANNISPORT CLUB P O BOX 392 IRVING AVENUE HYANNISPORT, MA 02647

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42202008 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/HYANNIS PORT-#42202008 - HYANNISPORT CLUB-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42202008 River Basin: CAPE COD

Registrant: HYANNISPORT CLUB

Use: Golf

Average Volume per Day (MGD): 0.10 Total Annual Volume (MGY): 18.00

Days of Operation: 180

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 0 Surface water: 1

Source ID Type Source Name

WM4049-01S S GOLF COURSE POND

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

#### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

#### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner	Date	
Bureau of Water Resources		



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

OYSTER HARBORS GOLF CLUB GRAND ISLAND DRIVE P O BOX 2069 OSTERVILLE, MA 02655

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42202009 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/OSTERVILLE-#42202009 - OYSTER HARBORS GOLF CLUB-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

 $<sup>^1</sup>$  The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42202009 River Basin: CAPE COD

Registrant: OYSTER HARBORS GOLF CLUB

Use: Golf

Average Volume per Day (MGD): 0.11 Total Annual Volume (MGY): 23.97

Days of Operation: 213

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 0 Surface water: 1

Source IDTypeSource NameWM4050-01SS#9 POND

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner	Date	
Bureau of Water Resources		



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

WIANNO CLUB INC P O BOX 249 181 SEAVIEW AVENUE OSTERVILLE, MA 02655

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42202010 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/OSTERVILLE-#42202010 - WIANNO CLUB INC-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

 $<sup>^1</sup>$  The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42202010 River Basin: CAPE COD

Registrant: WIANNO CLUB INC

Use: Golf

Average Volume per Day (MGD): 0.16 Total Annual Volume (MGY): 28.25

Days of Operation: 181

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 3

Groundwater: 1 Surface water: 2

<u>Type</u>	Source Name
G	PARKER POND WELL #1
S	PARKER POND
S	NECK POND

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner	Date	
Bureau of Water Resources		



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

HYANNIS WATER SYSTEM BOX 326 47 OLD YARMOUTH ROAD HYANNIS. MA 02601

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42202013 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/HYANNIS-# 42202013-HYANNIS WATER SYSTEM- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42202013 River Basin: CAPE COD

Registrant: HYANNIS WATER SYSTEM

Use: Public Water Supply

Average Volume per Day (MGD): 2.71 Total Annual Volume (MGY): 989.15

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 11

Groundwater: 11 Surface water: 0

Source ID	<b>Type</b>	Source Name
4020004-01G	G	STRAIGHTWAY
4020004-02G	G	MAHER ELECTRIC #2
4020004-03G	G	HYANNISPORT
4020004-04G	G	MARY DUNN #1
4020004-05G	G	MARY DUNN #2
4020004-06G	G	SIMMONS POND
4020004-07G	G	MAHER ELECTRIC #1
4020004-08G	G	MARY DUNN #3
4020004-09G	G	MARY DUNN #4
4020004-10G	G	<b>AIRPORT #1 STATION</b>
4020004-11G	G	MAHER ELECTRIC #3

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

BARNSTABLE FIRE DISTRICT BOX 546 1841 PHINNEY'S LANE BARNSTABLE. MA 02630

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42202015 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/BARNSTABLE-# 42202015-BARNSTABLE FIRE DISTRICT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42202015 River Basin: CAPE COD

Registrant: BARNSTABLE FIRE DISTRICT

Use: Public Water Supply

Average Volume per Day (MGD): 0.34 Total Annual Volume (MGY): 124.10

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 3

Groundwater: 3 Surface water: 0

Source ID	<b>Type</b>	Source Name	
4020000-01G	$\overline{G}$	G.P. WELL #1	
4020000-02G	G	G.P. WELL #2	
4020000-03G	G	G.P. WELL #3	

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

HYANNIS GOLF COURSE 1840 ROUTE 132 HYANNIS, MA 02601

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42202022 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/ HYANNIS-#42202022 - HYANNIS GOLF COURSE-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

 $<sup>^1</sup>$  The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42202022 River Basin: CAPE COD

Registrant: HYANNIS GOLF COURSE

Use: Golf

Average Volume per Day (MGD): 0.10 Total Annual Volume (MGY): 24.40

Days of Operation: 244

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 1 Surface water: 0

Source ID Type Source Name

WM4061-01G G IYANOUGH HILLS G C WELL

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023		
Kathleen Baskin, Assistant Commissioner	Date		
Bureau of Water Resources			



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

SHERATON HYANNIS RESORT 35 SCUDDER AVE HYANNIS, MA 02601

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #V42202003 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Katheen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/BARNSTABLE-#V42202003 - SHERATON HYANNIS RESORT-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

 $<sup>^1</sup>$  The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: V42202003 River Basin: CAPE COD

Registrant: SHERATON HYANNIS RESORT

Use: Golf

Average Volume per Day (MGD): 0.07 Total Annual Volume (MGY): 12.37

Days of Operation: 180

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 1 Surface water: 0

Source IDTypeSource NameWM4720-01GGWELL #1

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023		
Kathleen Baskin, Assistant Commissioner	Date		
Bureau of Water Resources			



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

COTUIT FIRE DISTRICT WATER DEPARTMENT P O BOX 451 COTUIT, MA 02635

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42202014 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen Baskin Assistant Commissioner

Kathleen M Baskin

Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/COTUIT-# 42202014-COTUIT FIRE DISTRICT WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42202014 River Basin: CAPE COD

Registrant: COTUIT FIRE DISTRICT WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 0.27 Total Annual Volume (MGY): 98.55

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 4

Groundwater: 4 Surface water: 0

Source ID	<u>Type</u>	Source Name
4020003-02G	G	Station # 1
4020003-03G	G	Station #3
4020003-04G	G	Station # 2
4020003-05G	G	Station # 4

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

TOWN LINE FARM 12 FRIEND ST BERKLEY, MA 02779

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #V42510204 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/BERKLEY -# V42510204 - TOWN LINE FARM- WMA-Registration -2023-/04-/06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Water Withdrawals Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, as applicable.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.

Many Registrants also hold Water Management Act permits. If the Registrant holds a Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: V42510204 River Basin: TAUNTON

Registrant: TOWN LINE FARM

Use: Agriculture

Average Volume per Day (MGD): 0.03 Total Annual Volume (MGY): 4.76

Days of Operation: 150

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 0 Surface water: 1

Source IDTypeSource NameWM4625-01SSACUSHNET RIVER

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 4. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 5. Registration Renewal

This Registration Statement is effective from April 8, 2023, and expires on April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 6. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

A copy of this Registration Statement shall be included with a Notice of Claim. The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

NORTH SAGAMORE WATER DISTRICT 14 SQUANTO ROAD PO BOX 133 SAGAMORE BEACH, MA 02562

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42103603 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/SAGAMORE BEACH-# 42103603-NORTH SAGAMORE WATER DISTRICT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Lieutenant Governor

Kimberley Driscoll

Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42103603 River Basin: SOUTH COASTAL

Registrant: NORTH SAGAMORE WATER DISTRICT

Use: Public Water Supply

Average Volume per Day (MGD): 0.18 Total Annual Volume (MGY): 65.70

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 2 Surface water: 0

Source ID	<u>Type</u>	Source Name
4036002-01G	G	GRAVEL PACKED WELL #1
4036002-02G	G	GRAVEL PACKED WELL #2

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

# 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

# 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023		
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date		



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

POCASSET GOLF CLUB INC PO BOX 1489 POCASSET, MA 02559

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42203601 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Katheen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/POCASSET-#42203601 - POCASSET GOLF CLUB INC-WMA-Registration -2023-04-06



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

# Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

 $<sup>^1</sup>$  The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

## **GENERAL INFORMATION**

Registration Number: 42203601 River Basin: CAPE COD

Registrant: POCASSET GOLF CLUB INC

Use: Golf

Average Volume per Day (MGD): 0.09 Total Annual Volume (MGY): 18.90

Days of Operation: 210

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 1 Surface water: 0

Source IDTypeSource NameWM4065-01GGWELL #1

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

# 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

## 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

## 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023		
Kathleen Baskin, Assistant Commissioner	Date		
Bureau of Water Resources			



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

BOURNE WATER DISTRICT 211 BARLOW'S LANDING ROAD P O BOX 1447 POCASSET, MA 02559

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42203602 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/POCASSET-# 42203602-BOURNE WATER DISTRICT- WMA-Registration -2023-04-06



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

# Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42203602 River Basin: CAPE COD

Registrant: BOURNE WATER DISTRICT

Use: Public Water Supply

Average Volume per Day (MGD): 0.73 Total Annual Volume (MGY): 266.45

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 6

Groundwater: 6 Surface water: 0

Source ID	<b>Type</b>	Source Name
4036000-01G	G	WELLFIELD 1
4036000-02G	G	WELL 2
4036000-03G	G	WELL 3
4036000-04G	G	WELL 4
4036000-05G	G	WELL 5
4036000-07G	G	SOUTH SAGAMORE WELLFIELD

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

# 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

# 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023		
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date		



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

BUZZARDS BAY WATER DISTRICT BOX 243 15 WALLACE AVE BUZZARDS BAY, MA 02532

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42403606 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleer M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/BUZZARDS BAY-# 42403606-BUZZARDS BAY WATER DISTRICT- WMA-Registration -2023-04-06



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

# Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42403606 River Basin: BUZZARDS BAY

Registrant: BUZZARDS BAY WATER DISTRICT

Use: Public Water Supply

Average Volume per Day (MGD): 0.37 Total Annual Volume (MGY): 133.81

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 2 Surface water: 0

Source ID	<b>Type</b>	Source Name
4036001-01G	G	PUMPING STATION #1
4036001-02G	G	PUMPING STATION #2

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

# 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

# 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

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Kathleen M Baskin	April 6, 2023		
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date		



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

BRAINTREE WATER & SEWER DEPARTMENT 90 PONO STREET BRAINTREE, MA 02184

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 41904001 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/BRAINTREE-# 41904001-BRAINTREE WATER & SEWER DEPARTMENT- WMA-Registration -2023-04-06



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

# Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

# **GENERAL INFORMATION**

Registration Number: 41904001 River Basin: BOSTON HARBOR

Registrant: BRAINTREE WATER & SEWER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 3.87 Total Annual Volume (MGY): 1412.55

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 0 Surface water: 2

Source ID	<u> 1 ype</u>	<u>Source Name</u>
4040000-01S	S	GREAT POND RESERVOIR
4040000-02S	S	RICHARDI RESERVOIR

# **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

# 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

# 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

# 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

# Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

# 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

# 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

# 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

BREWSTER WATER DEPARTMENT 165 COMMERCE PARK ROAD BREWSTER, MA 02631

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42204101 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleer M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/BREWSTER-# 42204101-BREWSTER WATER DEPARTMENT- WMA-Registration -2023-04-06



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

# Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42204101 River Basin: CAPE COD

Registrant: BREWSTER WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 0.63 Total Annual Volume (MGY): 229.95

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 3

Groundwater: 3 Surface water: 0

Source ID	<u>Type</u>	Source Name
4041000-01G	G	FREEMAN'S WAY GP WELL 1
4041000-02G	G	FREEMAN'S WAY GP WELL 2
4041000-03G	G	FREEMAN'S WAY GP WELL 3

# **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

# 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

# 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

# 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

# Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

# 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

# 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

# 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

OCEAN EDGE GOLF CLUB 1 VILLAGE'S DRIVE BREWSTER, MA 02631

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42204104 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/BREWSTER-#42204104 - OCEAN EDGE GOLF CLUB-WMA-Registration -2023-04-06



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

# Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

# **GENERAL INFORMATION**

Registration Number: 42204104 River Basin: CAPE COD

Registrant: OCEAN EDGE GOLF CLUB

Use: Golf

Average Volume per Day (MGD): 0.09 Total Annual Volume (MGY): 21.85

Days of Operation: 245

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 2 Surface water: 0

Source ID	<b>Type</b>	Source Name	
WM4071-01G	G	WELL #1	
WM4071-02G	G	WELL #2	

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

# 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

# Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

# 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

# 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023
Kathleen Baskin, Assistant Commissioner	Date
Bureau of Water Resources	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

CAPTAINS GOLF COURSE 1000 FREEMANS WAY BREWSTER, MA 02631

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42204105 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Katheen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/BREWSTER-#42204105 - CAPTAINS GOLF COURSE-WMA-Registration -2023-04-06



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

# Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

# **GENERAL INFORMATION**

Registration Number: 42204105 River Basin: CAPE COD

Registrant: CAPTAINS GOLF COURSE

Use: Golf

Average Volume per Day (MGD): 0.08 Total Annual Volume (MGY): 18.30

Days of Operation: 240

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 1 Surface water: 0

Source IDTypeSource NameWM4072-01GGWELL #1

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

# 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

# Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

# 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

# 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023
Kathleen Baskin, Assistant Commissioner	Date
Bureau of Water Resources	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

BRIDGEWATER WATER DEPARTMENT ACADEMY BUILDING CENTRAL SQUARE BRIDGEWATER, MA 02324

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42504201 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Katheen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/BRIDGEWATER-# 42504201-BRIDGEWATER WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42504201 River Basin: TAUNTON

Registrant: BRIDGEWATER WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 1.66 Total Annual Volume (MGY): 605.90

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 5

Groundwater: 5 Surface water: 0

Source ID	<b>Type</b>	Source Name
4042000-02G	G	HIGH STREET #3
4042000-04G	G	CARVER'S POND #2
4042000-05G	G	HIGH STREET #6
4042000-13G	G	CARVERS POND #5a
4042000-14G	G	Well #4A

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor

Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

April 7, 2023

BROCKTON DPW- WATER DIVISION 45 SCHOOL STREET CITY HALL BROCKTON, MA 02401

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42104401 for 2023-2033.

It has come to the Department's attention that Brockton's Registration Statements for withdrawals from the Taunton Basin and the South Coastal basin are inaccurate because Brockton's withdrawals from Monponsett Pond are not reflected on its Taunton Basin Registration Statement where the withdrawals occur. Therefore, your requests for renewal of these Registration Statements have been conditionally accepted subject to correction. Please submit a request to the Department for a modification of your Registration Statements by June 1, 2023. Your modification request may include a request for Normal Variation in accordance with M.G.L. c. 21G, § 5, and 310 CMR 36.36 and should provide any information you wish the Department to consider when evaluating your request. The Department will review your request for modification and for Normal Variation, if included, and issue modified Registration Statements in a timely manner.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

### Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/Registration Statement/BROCKTON-# 42104401-BROCKTON DPW- WATER DIVISION- WMA-Registration -2023-04-07



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed, conditionally accepted Registration Statement authorizes continued withdrawals from April 8, 2023, through April 7, 2033, or until a modified Registration Statement is issued, whichever is earlier. Registration Statements are intended to reflect your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. As explained in the cover letter, currently this Registration Statement does not accurately account for your withdrawals from Monponsett Pond in the Taunton River Basin which impacts your corresponding withdrawals from Silver Lake in the South Coastal Basin and as a result will require that both registrations be modified in the near future.

Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement conditionally confirms your authorized registered withdrawal volumes and sources, subject to modification to accurately reflect withdrawals from Monponsett Pond.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. See 310 CMR 36.07(2)(c). In accordance with

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (see 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that if you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

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> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

Pursuant to its authority to administer the requirements of the Water Management Act, M.G.L. c. 21G, and the regulations promulgated thereunder at 310 CMR 36.00, the Massachusetts Department of Environmental Protection ("the Department") hereby conditionally accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below subject to modification to accurately reflect withdrawals from Monponsett Pond and to include the Department's determination of Normal Variation, if requested. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the modified Registration Statement is issued or until the expiration date, whichever is earlier, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42104401 River Basin: SOUTH COASTAL

Registrant: BROCKTON DPW- WATER DIVISION

Use: Public Water Supply

Average Volume per Day (MGD): 11.11 Total Annual Volume (MGY): 4055.15

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 0 Surface water: 2

Source IDTypeSource Name4044000-01SSSILVER LAKE FILTRA PLANT4044000-03SSFURNACE POND

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033, or until a modified Registration Statement is issued, whichever is earlier. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 7, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 7, 2023

BROCKTON DPW WATER DIVISION 45 SCHOOL STREET BROCKTON, MA 02401

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42504402 for 2023-2033.

It has come to the Department's attention that Brockton's Registration Statements for withdrawals from the Taunton Basin and the South Coastal basin are inaccurate because Brockton's withdrawals from Monponsett Pond are not reflected on its Taunton Basin Registration Statement where the withdrawals occur. Therefore, your requests for renewal of these Registration Statements have been conditionally accepted subject to correction. Please submit a request to the Department for a modification of your Registration Statements by June 1, 2023. Your modification request may include a request for Normal Variation in accordance with M.G.L. c. 21G, § 5, and 310 CMR 36.36 and should provide any information you wish the Department to consider when evaluating your request. The Department will review your request for modification and for Normal Variation, if included, and issue modified Registration Statements in a timely manner.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

### Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP\_WMA/Registration Renewal 2023/ Registration Statement/BROCKTON-# 42504402-BROCKTON DPW\_WATER\_DIVISION-\_WMA-Registration -2023-04-07



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed, conditionally accepted Registration Statement authorizes continued withdrawals from April 8, 2023, through April 7, 2033, or until a modified Registration Statement is issued, whichever is earlier. Registration Statements are intended to reflect your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. As explained in the cover letter, currently this Registration Statement does not accurately account for your withdrawals from Monponsett Pond in the Taunton River Basin which impacts your corresponding withdrawals from Silver Lake in the South Coastal Basin and as a result will require that both registrations be modified in the near future.

Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement conditionally confirms your authorized registered withdrawal volumes and sources, subject to modification to accurately reflect withdrawals from Monponsett Pond.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. See 310 CMR 36.07(2)(c). In accordance with

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (see 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that if you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor

Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

Pursuant to its authority to administer the requirements of the Water Management Act, M.G.L. c. 21G, and the regulations promulgated thereunder at 310 CMR 36.00, the Massachusetts Department of Environmental Protection ("the Department") hereby conditionally accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below, subject to modifications to accurately reflect withdrawals from Monponsett Pond and to include the Department's determination of Normal Variation, if requested. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the modified Registration Statement is issued or until the expiration date, whichever is earlier, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42504402 River Basin: TAUNTON

Registrant: BROCKTON DPW WATER DIVISION

Use: Public Water Supply

Average Volume per Day (MGD): 0.04 Total Annual Volume (MGY): 14.60

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 1 Surface water: 1

Source IDTypeSource Name4044000-01GGHUBBARD AVE. PUMP STA.4044000-04SSMONPONSETT POND

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033, or until a modified Registration Statement is issued, whichever is earlier. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 7, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

BROCKTON COUNTRY CLUB 265 SAMUEL AVE BROCKTON, MA 02301

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42504403 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Katheen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/BROCKTON-#42504403 - BROCKTON COUNTRY CLUB-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42504403 River Basin: TAUNTON

Registrant: BROCKTON COUNTRY CLUB

Use: Golf

Average Volume per Day (MGD): 0.09 Total Annual Volume (MGY): 21.60

Days of Operation: 240

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 1 Surface water: 0

Source ID Type Source Name

WM4566-01G G BROCKTON C.C. WELL

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner	Date	
Bureau of Water Resources		



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

THORNY LEA GOLF CLUB 159 TORREY STREET BROCKTON, MA 02301

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42504404 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/ BROCKTON-#42504404 - THORNY LEA GOLF CLUB-WMA-Registration -2023-04-06



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

 $<sup>^1</sup>$  The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42504404 River Basin: TAUNTON

Registrant: THORNY LEA GOLF CLUB

Use: Golf

Average Volume per Day (MGD): 0.15 Total Annual Volume (MGY): 32.21

Days of Operation: 214

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 0 Surface water: 2

Source ID	<b>Type</b>	Source Name
WM4486-01S	S	Pump #2
WM4486-02S	S	Pump #3

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

#### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

#### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023
Kathleen Baskin, Assistant Commissioner	Date
Bureau of Water Resources	



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

CHURCHILL LINEN SERVICE PO BOX 3247 BROCKTON, MA 02302

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # **V42504401** for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/BROCKTON-# V42504401-CHURCHILL LINEN SERVICE- WMA-Registration -2023/04/06



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Water Withdrawals Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, as applicable.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.

Many Registrants also hold Water Management Act permits. If the Registrant holds a Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: V42504401 River Basin: TAUNTON

Registrant: CHURCHILL LINEN SERVICE

Use: Industry

Average Volume per Day (MGD): 0.07 Total Annual Volume (MGY): 25.78

Days of Operation: 365

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1 Groundwater: 1 Surface water: 0

Source ID Type Source Name

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 4. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 5. Registration Renewal

This Registration Statement is effective from April 8, 2023, and expires on April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 6. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

A copy of this Registration Statement shall be included with a Notice of Claim. The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

BLUE HILL COUNTRY CLUB 23 PECUNIT STREET CANTON, MA 02021

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #41905001 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Katheen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/CANTON-#41905001 - BLUE HILL COUNTRY CLUB-WMA-Registration -2023-04-06



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 41905001 River Basin: BOSTON HARBOR

Registrant: BLUE HILL COUNTRY CLUB

Use: Golf

Average Volume per Day (MGD): 0.37 Total Annual Volume (MGY): 54.76

Days of Operation: 148

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 2 Surface water: 0

Source ID	<u>Type</u>	Source Name
WM3881-01G	G	COUNTRY CLUB WELL
WM3881-02G	G	SUPPLEMENTAL CLUB WELL

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

#### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

#### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023
Kathleen Baskin, Assistant Commissioner	Date
Bureau of Water Resources	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

DCR PONKAPOAG GOLF COURSE 2167 WASHINGTON STREET CANTON, MA 02021

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #41905004 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Katheen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/CANTON-#41905004 - DCR PONKAPOAG GOLF COURSE-WMA-Registration -2023-04-06



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 41905004 River Basin: BOSTON HARBOR

Registrant: DCR PONKAPOAG GOLF COURSE

Use: Golf

Average Volume per Day (MGD): 0.17 Total Annual Volume (MGY): 35.70

Days of Operation: 210

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 0 Surface water: 1

Source ID Type Source Name

WM3883-01S S PONKAPOAG POND

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

#### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

#### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023
Kathleen Baskin, Assistant Commissioner	Date
Bureau of Water Resources	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

CAPE COD READY MIX CAPE COD READY MIX PO BOX 399 ORLEANS, MA 02653

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42405216 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/CARVER-# 42405216-CAPE COD READY MIX- WMA-Registration -2023/04/06



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Water Withdrawals Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, as applicable.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.

Many Registrants also hold Water Management Act permits. If the Registrant holds a Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42405216 River Basin: BUZZARDS BAY

Registrant: CAPE COD READY MIX

Use: Industry

Average Volume per Day (MGD): 0.28 Total Annual Volume (MGY): 102.20

Days of Operation: 365

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2 Groundwater: 1 Surface water: 1

Source IDTypeSource NameWM4158-01GGTREMONT STREET WELLWM4158-01SSTREMONT STREET RESERVOIR

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 4. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 5. Registration Renewal

This Registration Statement is effective from April 8, 2023, and expires on April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 6. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

A copy of this Registration Statement shall be included with a Notice of Claim. The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

CHATHAM WATER DEPARTMENT 221 CROWELL ROAD CHATHAM, MA 02633

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42205501 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleer M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/CHATHAM-# 42205501-CHATHAM WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42205501 River Basin: CAPE COD

Registrant: CHATHAM WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 0.70 Total Annual Volume (MGY): 255.50

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 4

Groundwater: 4 Surface water: 0

Source ID	<b>Type</b>	Source Name
4055000-01G	G	SOUTH CHATHAM WELL #1
4055000-02G	G	SOUTH CHATHAM WELL #2
4055000-03G	G	SOUTH CHATHAM WELL #3
4055000-04G	G	INDIAN HILL WELL #4

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that **holds a permit that does not include conditions on restricting nonessential outdoor water use** must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023		
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date		



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

May 22, 2025

EASTWARD HO COUNTRY CLUB INC FOX HILL ROAD CHATHAM, MA 02633

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The MODIFICATION to include Well 3R (04G) to Water Management Act Registrant Statement #42205503 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Shi Chen at <u>shi.chen@mass.gov</u> or (857) 360-0042.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/Registration Statement/CHATHAM-#42205503 - EASTWARD HO COUNTRY CLUB INC-WMA-Registration -2025-05-22-Revised



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor

Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. See 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that if you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor

Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42205503 River Basin: CAPE COD

Registrant: EASTWARD HO COUNTRY CLUB INC

Use: Golf

Average Volume per Day (MGD): 0.11 Total Annual Volume (MGY): 22.64

Days of Operation: 210

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Modification Date: May 22, 2025

Number of registered withdrawal points: 4

Groundwater: 4 Surface water: 0

Source ID	<u>Type</u>	Source Name
4055007-01G	G	EASTWARD HO WELL #1
WM4075-02G	G	EASTWARD HO WELL #2
WM4075-03G	G	EASTWARD HO WELL #3
WM4075-04G	G	EASTWARD HO WELL #3R

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

#### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 6. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	May 22, 2025	
Kathleen Baskin, Assistant Commissioner	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

COHASSET WATER DEPARTMENT 339 KING STREET COHASSET, MA 02025

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42106501 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/COHASSET-# 42106501-COHASSET WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42106501 River Basin: SOUTH COASTAL

Registrant: COHASSET WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 0.65 Total Annual Volume (MGY): 237.25

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 1 Surface water: 1

Source IDTypeSource Name4065000-02GGELLMS MEADOW4065000-02SSLILY POND

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023		
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date		



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

DARTMOUTH WATER DEPARTMENT 751 ALLEN STREET NORTH DARTMOUTH, MA 02747

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42407202 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleer M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

<u>https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration</u>

<u>Statement/NORTH DARTMOUTH-# 42407202-DARTMOUTH WATER DEPARTMENT- WMA-Registration -2023-04-06</u>



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42407202 River Basin: BUZZARDS BAY

Registrant: DARTMOUTH WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 1.16 Total Annual Volume (MGY): 423.40

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 3

Groundwater: 3 Surface water: 0

Source ID	<b>Type</b>	Source Name
4072000-01G	G	CHASE ROAD WELL A
4072000-02G	G	CHASE ROAD WELL B
4072000-03G	G	CHASE ROAD WELL C

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023		
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date		



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

TOWN OF DENNIS GOLF COURSES 825 OLD BASS RIVER RD DENNIS, MA 02638

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42207501 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Katheen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/SOUTH DENNIS-#42207501 - TOWN OF DENNIS GOLF COURSES-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

 $<sup>^1</sup>$  The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42207501 River Basin: CAPE COD

Registrant: TOWN OF DENNIS GOLF COURSES

Use: Golf

Average Volume per Day (MGD): 0.22 Total Annual Volume (MGY): 52.06

Days of Operation: 240

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 3

Groundwater: 1 Surface water: 2

Source ID	<u>Type</u>	Source Name
WM4076-01S	S	Pond at Dennis Pines
WM4076-02S	S	Pond at Dennis Highlands
WM4076-03G	G	Well at Dennis Highlands

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

#### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023		
Kathleen Baskin, Assistant Commissioner	Date		
Bureau of Water Resources			



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor

Bonnie Heiple Commissioner

April 6, 2023

DENNIS WATER DISTRICT P O BOX 2000 SOUTH DENNIS, MA 02660

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42207502 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/SOUTH DENNIS-# 42207502-DENNIS WATER DISTRICT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (see 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42207502 River Basin: CAPE COD

Registrant: DENNIS WATER DISTRICT

Use: Public Water Supply

Average Volume per Day (MGD): 2.10 Total Annual Volume (MGY): 766.50

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 16

Groundwater: 16 Surface water: 0

Source ID	Type	Source Name
	<u>Type</u>	
4075000-01G	G	Main Station
4075000-02G	G	Old Chatham Road #1
4075000-03G	G	Old Chatham Road Well #2
4075000-04G	G	Old Chatham Road Well #3
4075000-05G	G	Well #4
4075000-06G	G	Well #5
4075000-07G	G	Well #6
4075000-08G	G	Airline Road Well #7
4075000-09G	G	Airline Road Well #8
4075000-10G	G	Well #9
4075000-11G	G	Well #10
4075000-12G	G	Well #11
4075000-13G	G	Well #12

Source ID	<b>Type</b>	Source Name
4075000-15G	G	Well #14
4075000-16G	G	Well #15
4075000-17G	G	Well #16

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

- (a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;
- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### **6. Effect On Any Pending And Future Actions**

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310

CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023		
Kathleen Baskin, Assistant Commissioner	Date		
Bureau of Water Resources			



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

DIGHTON WATER DISTRICT 192 WILLIAMS STREET NORTH DIGHTON, MA 02764

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42507601 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen Baskin

Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/NORTH DIGHTON-# 42507601-DIGHTON WATER DISTRICT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42507601 River Basin: TAUNTON

Registrant: DIGHTON WATER DISTRICT

Use: Public Water Supply

Average Volume per Day (MGD): 0.37 Total Annual Volume (MGY): 135.05

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 2 Surface water: 0

Source ID	<b>Type</b>	Source Name	
4076000-04G	$\overline{G}$	WALKER ST. WPS 1	
4076000-05G	G	WALKER ST. WPS 2	

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023		
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date		



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

DIGHTON WATER DISTRICT 192 WILLIAMS STREET NORTH DIGHTON, MA 02764

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42607601 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/NORTH DIGHTON-# 42607601-DIGHTON WATER DISTRICT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42607601 River Basin: NARRAGANSET BAY

Registrant: DIGHTON WATER DISTRICT

Use: Public Water Supply

Average Volume per Day (MGD): 0.37 Total Annual Volume (MGY): 135.41

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 3

Groundwater: 3 Surface water: 0

Source ID	<b>Type</b>	Source Name
4076000-02G	G	CEDAR STREET WPS 1
4076000-03G	G	CEDAR STREET WPS 2
4076000-06G	G	CEDAR STREET WPS 3

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

DUXBURY WATER DEPARTMENT 878 TREMONT STREET DUXBURY, MA 02332

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42108205 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen Baskin

Kathleen M Baskin

Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/Registration Statement/DUXBURY-# 42108205-DUXBURY WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

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Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42108205 River Basin: SOUTH COASTAL

Registrant: DUXBURY WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 1.23 Total Annual Volume (MGY): 448.95

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 9

Groundwater: 9 Surface water: 0

Source ID	<b>Type</b>	Source Name
4082000-01G	$\overline{G}$	MILLBROOK #2
4082000-02G	G	PARTRIDGE ROAD
4082000-03G	G	DEPOT STREET
4082000-04G	G	LAKE SHORE DRIVE
4082000-05G	G	TREMONT I
4082000-06G	G	TREMONT II
4082000-07G	G	EVERGREEN I
4082000-08G	G	EVERGREEN II
4082000-09G	G	MAYFLOWER/EAST

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

DUXBURY YACHT CLUB PO BOX 2804 DUXBURY, MA 02331-2804

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42108212 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleer M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/ DUXBURY-#42108212 - DUXBURY YACHT CLUB-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42108212 River Basin: SOUTH COASTAL

Registrant: DUXBURY YACHT CLUB

Use: Golf

Average Volume per Day (MGD): 0.10 Total Annual Volume (MGY): 21.00

Days of Operation: 210

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 1 Surface water: 1

Source ID	<u>Type</u>	Source Name
WM3974-01G	G	WELL 1
WM3974-01S	S	RESERVOIR SYSTEM

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023
Kathleen Baskin, Assistant Commissioner	Date
Bureau of Water Resources	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

C N SMITH FARM INC 325 SOUTH STREET EAST BRIDGEWATER, MA 02333

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42508306 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/EAST BRIDGEWATER -# 42508306 - C N SMITH FARM INC- WMA-Registration -2023-/04-/06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Water Withdrawals Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, as applicable.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.

Many Registrants also hold Water Management Act permits. If the Registrant holds a Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42508306 River Basin: TAUNTON

Registrant: C N SMITH FARM INC

Use: Agriculture

Average Volume per Day (MGD): 0.10

Days of Operation: 150

Total Annual Volume (MGY): 14.60

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 0 Surface water: 1

Source IDTypeSource NameWM3950-01SSMATFIELD RIVER

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 4. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 5. Registration Renewal

This Registration Statement is effective from April 8, 2023, and expires on April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 6. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

A copy of this Registration Statement shall be included with a Notice of Claim. The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

EAST BRIDGEWATER WATER DEPARTMENT 100 WILLOW AVE EAST BRIDGEWATER, MA 02333

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42508304 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen Baskin

Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/EAST BRIDGEWATER-# 42508304-EAST BRIDGEWATER WATER DEPARTMENT- WMA-Registration
-2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42508304 River Basin: TAUNTON

Registrant: EAST BRIDGEWATER WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 0.85 Total Annual Volume (MGY): 310.25

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 5

Groundwater: 5 Surface water: 0

Source ID	<b>Type</b>	Source Name
4083000-01G	G	WELL #1
4083000-02G	G	WELL #2
4083000-03G	G	WELL #3A
4083000-04G	G	WELL #4
4083000-06G	G	WELL #3B

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

EASTON WATER DEPARTMENT 417 BAY ROAD SOUTH EASTON, MA 02375

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42508801 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen Baskin

Assistant Commissioner
Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/SOUTH EASTON-# 42508801-EASTON WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42508801 River Basin: TAUNTON

Registrant: EASTON WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 1.44 Total Annual Volume (MGY): 525.60

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 5

Groundwater: 5 Surface water: 0

Source ID	<b>Type</b>	Source Name
4088000-01G	G	STATION #1 GARY LANE
4088000-02G	G	STATION #2 WASHINGTON ST.
4088000-03G	G	STATION #3 RED MILL ROAD
4088000-04G	G	STATION #4 WASHINGTON ST.
4088000-05G	G	STATION #5 RED MILL ROAD

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

EASTON COUNTRY CLUB 265 PURCHASE STREET P O BOX 257 SOUTH EASTON, MA 02375

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42508802 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/SOUTH EASTON-#42508802 - EASTON COUNTRY CLUB-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

## **GENERAL INFORMATION**

Registration Number: 42508802 River Basin: TAUNTON

Registrant: EASTON COUNTRY CLUB

Use: Golf

Average Volume per Day (MGD): 0.07 Total Annual Volume (MGY): 12.24

Days of Operation: 180

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 0 Surface water: 1

Source IDTypeSource NameWM3951-01SSCEDAR SWAMP

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

## 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

## 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner	Date	
Bureau of Water Resources		



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

PINE OAKS GOLF COURSE P O BOX 309 68 PROSPECT STREET SOUTH EASTON, MA 02375

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #V42508803 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/SOUTH EASTON-#V42508803 - PINE OAKS GOLF COURSE-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

## **GENERAL INFORMATION**

Registration Number: V42508803 River Basin: TAUNTON

Registrant: PINE OAKS GOLF COURSE

Use: Golf

Average Volume per Day (MGD): 0.02 Total Annual Volume (MGY): 3.18

Days of Operation: 143

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 0 Surface water: 1

Source IDTypeSource NameWM3695-01SSBlack Brook

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

## 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

## 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

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Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner	Date	
Bureau of Water Resources		



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

EDGARTOWN WATER DEPARTMENT PO BOX 238 TWON HALL EDGARTOWN, MA 02539

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42308901 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/Registration
Statement/EDGARTOWN-# 42308901-EDGARTOWN WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42308901 River Basin: ISLANDS

Registrant: EDGARTOWN WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 0.65 Total Annual Volume (MGY): 237.25

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 3

Groundwater: 3 Surface water: 0

Source ID	<b>Type</b>	Source Name
4089000-04G	G	MACHACKET
4089000-05G	G	LILY POND
4089000-06G	G	WINTUCKET WELL #2

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

FAIRHAVEN WATER DEPARTMENT 5 ARSENE STREET FAIRHAVEN, MA 02719

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42409401 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/FAIRHAVEN-# 42409401-FAIRHAVEN WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42409401 River Basin: BUZZARDS BAY

Registrant: FAIRHAVEN WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 1.07 Total Annual Volume (MGY): 389.63

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 5

Groundwater: 5 Surface water: 0

Source ID	<b>Type</b>	Source Name
4094000-01G	G	NASKETUCKET TUBULAR WELLS
4094000-02G	G	MATTAPOISETT-TUBULAR
4094000-03G	G	WELL #1-WOLF ISLAND ROAD
4094000-04G	G	WELL #2-WOLF ISLAND ROAD
4094000-05G	G	WELL #3-WOLF ISLAND ROAD

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

FALL RIVER WATER DEPARTMENT 1831 BEDFORD STREET FALL RIVER, MA 02722

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42409501 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen Baskin

Assistant Commissioner
Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/FALL RIVER-# 42409501-FALL RIVER WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42409501 River Basin: BUZZARDS BAY

Registrant: FALL RIVER WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 6.37\* Total Annual Volume (MGY): 2325.05\*

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 0 Surface water: 1

Source ID Type Source Name

4095000-03S S COPICUT RESERVOIR

\* NORMAL VARIATION: Fall River is registered for 6.37 MGD in the Buzzards Bay Basin and 8.22 MGD in the Narraganset Bay Basin, for a total registered volume of 14.59 MGD. In accordance with 310 CMR 36.36, the Department has determined that with normal variation Fall River can withdraw up to 12.22 MGD from the Buzzards Bay Basin and up to 14.59 MGD in the Narraganset Bay Basin. As further required by 310 CMR 36.36(3) withdrawals authorized through normal variation cannot exceed the total registered volume. Therefore, Fall River's combined withdrawal volumes from the Buzzards Bay Basin and the Narraganset Bay Basin cannot exceed the total registered withdrawal volume of 14.59 MGD, including the normal variation, in any year.

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

FALL RIVER WATER DEPARTMENT 1831 BEDFORD STREET FALL RIVER, MA 02722

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42609501 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Katheen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/FALL RIVER-# 42609501-FALL RIVER WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42609501 River Basin: NARRAGANSET BAY

Registrant: FALL RIVER WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 8.22\* Total Annual Volume (MGY): 3000.30\*

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 0 Surface water: 2

Source ID	<u>Type</u>	Source Name
4095000-01S	S	NORTH WATUPPA POND
4095000-04S	S	SOUTH WATUPPA

\*NORMAL VARIATION: Fall River is registered for 6.37 MGD in the Buzzards Bay Basin and 8.22 MGD in the Narraganset Bay Basin, for a total registered volume of 14.59 MGD. In accordance with 310 CMR 36.36, the Department has determined that with normal variation Fall River can withdraw up to 12.22 MGD from the Buzzards Bay Basin and up to 14.59 MGD in the Narraganset Bay Basin. As further required by 310 CMR 36.36(3) withdrawals authorized through normal variation cannot exceed the total registered volume. Therefore, Fall River's combined withdrawal volumes from the Buzzards Bay Basin and the Narraganset Bay Basin cannot exceed the total registered withdrawal volume of 14.59 MGD, including the normal variation, in any year.

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleer M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

PAUL HARNEY GOLF CLUB 74 CLUB VALLEY DRIVE EAST FALMOUTH, MA 02536

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42209601 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Katheen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/ EAST FALMOUTH-#42209601 - PAUL HARNEY GOLF CLUB-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

 $<sup>^1</sup>$  The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

## **GENERAL INFORMATION**

Registration Number: 42209601 River Basin: CAPE COD

Registrant: PAUL HARNEY GOLF CLUB

Use: Golf

Average Volume per Day (MGD): 0.10 Total Annual Volume (MGY): 21.00

Days of Operation: 210

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 1 Surface water: 0

Source IDTypeSource NameWM4080-01GGWELL #1

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

## 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

## 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

## 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023
Kathleen Baskin, Assistant Commissioner	Date
Bureau of Water Resources	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

CAPE COD C C GREEN MEADOW G C INC P O BOX 876 NORTH FALMOUTH, MA 02556

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42209604 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/ NORTH FALMOUTH-#42209604 - CAPE COD C C GREEN MEADOW G C INC-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

## **GENERAL INFORMATION**

Registration Number: 42209604 River Basin: CAPE COD

Registrant: CAPE COD C C GREEN MEADOW G C INC

Use: Golf

Average Volume per Day (MGD): 0.10 Total Annual Volume (MGY): 21.50

Days of Operation: 210

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 1 Surface water: 1

Source ID	<b>Type</b>	Source Name
4096004-01G	G	Well #1
WM4082-01S	S	Coonamessett Pond

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

## 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

## 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

## 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023
Kathleen Baskin, Assistant Commissioner	Date
Bureau of Water Resources	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

FALMOUTH COUNTRY CLUB 630 CARRIAGE SHOP ROAD EAST FALMOUTH, MA 02536

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42209605 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/ EAST FALMOUTH-#42209605 - FALMOUTH COUNTRY CLUB-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

## **GENERAL INFORMATION**

Registration Number: 42209605 River Basin: CAPE COD

Registrant: FALMOUTH COUNTRY CLUB

Use: Golf

Average Volume per Day (MGD): 0.11 Total Annual Volume (MGY): 27.00

Days of Operation: 240

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 1 Surface water: 1

Source ID	<b>Type</b>	Source Name
WM4083-01G	G	WELL #1
WM4083-01S	S	POND

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

## 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

## 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

## 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023
Kathleen Baskin, Assistant Commissioner	Date
Bureau of Water Resources	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

WOODS HOLE GOLF CLUB P O BOX 663 FALMOUTH, MA 02541

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42209606 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Katheeen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/ FALMOUTH-#42209606 - WOODS HOLE GOLF CLUB-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

## **GENERAL INFORMATION**

Registration Number: 42209606 River Basin: CAPE COD

Registrant: WOODS HOLE GOLF CLUB

Use: Golf

Average Volume per Day (MGD): 0.08 Total Annual Volume (MGY): 16.91

Days of Operation: 210

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 2 Surface water: 0

Source ID	<b>Type</b>	Source Name
WM4084-01G	G	WELL #1
WM4084-02G	G	WELL #2

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

## 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

## 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

## 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023
Kathleen Baskin, Assistant Commissioner	Date
Bureau of Water Resources	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

FALMOUTH WATER DEPARTMENT 59 TOWN HALL SQUARE FALMOUTH, MA 02540

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42209607 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleer M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/FALMOUTH-# 42209607-FALMOUTH WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42209607 River Basin: CAPE COD

Registrant: FALMOUTH WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 2.95 Total Annual Volume (MGY): 1076.75

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 1 Surface water: 1

Source IDTypeSource Name4096000-01SSLONG POND RESERVIOR4096000-02GGFRESH POND WELL

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

FOXBOROUGH WATER DEPARTMENT 40 SOUTH STREET FOXBOROUGH, MA 02035

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 41909901 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleer M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/FOXBOROUGH-# 41909901-FOXBOROUGH WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 41909901 River Basin: BOSTON HARBOR

Registrant: FOXBOROUGH WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 0.64 Total Annual Volume (MGY): 233.60

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 1 Surface water: 0

Source ID Type Source Name 4099000-16G G Well 16

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

FOXBOROUGH COUNTRY CLUB INC 33 WALNUT STREET PO BOX 397 FOXBOROUGH, MA 02035

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42509901 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/FOXBOROUGH-#42509901 - FOXBOROUGH COUNTRY CLUB INC-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

## **GENERAL INFORMATION**

Registration Number: 42509901 River Basin: TAUNTON

Registrant: FOXBOROUGH COUNTRY CLUB INC

Use: Golf

Average Volume per Day (MGD): 0.07 Total Annual Volume (MGY): 14.02

Days of Operation: 195

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 4

Groundwater: 3 Surface water: 1

<u>Type</u>	Source Name
G	WELL #1(IRRIGATION)
S	PUMP #4 @ 7 TEE PONDS
G	WELL #2(DRINKING FOUNTNS)
G	WELL #3 (IRRIGATION)
	G S G

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

## 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

## 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner	Date	
Bureau of Water Resources		



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

FOXBOROUGH WATER DEPARTMENT 40 SOUTH STREET FOXBOROUGH, MA 02035

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42509902 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen Baskin

Kathleen M Baskin

Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/FOXBOROUGH-# 42509902-FOXBOROUGH WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42509902 River Basin: TAUNTON

Registrant: FOXBOROUGH WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 1.60 Total Annual Volume (MGY): 584.00

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 8

Groundwater: 8 Surface water: 0

Source ID	<b>Type</b>	Source Name
4099000-18G	G	Well 9R (STA 3)
4099000-04G	G	Well 4 (STA 2)
4099000-05G	G	Well 5 (STA 2)
4099000-06G	G	Well 6 (STA 2)
4099000-08G	G	Well 8 (STA 3)
4099000-17G	G	Well 10R (STA 3A)
4099000-12G	G	Well 12 (STA 4)
4099000-19G	G	Well 7R-(STA 3)-

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

HALIFAX WATER DEPARTMENT TOWN HALL PLYMOUTH STREET HALIFAX, MA 02338

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42511801 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/Registration Statement/HALIFAX-# 42511801-HALIFAX WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

## **GENERAL INFORMATION**

Registration Number: 42511801 River Basin: TAUNTON

Registrant: HALIFAX WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 0.35 Total Annual Volume (MGY): 127.75

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 2 Surface water: 0

Source ID	<u>Type</u>	Source Name
4118000-01G	G	RICHMOND PARK WELL #1
4118000-02G	G	RICHMOND PARK WELL #2

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that **holds a permit that does not include conditions on restricting nonessential outdoor water use** must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

COUNTRY CLUB HALIFAX 100 COUNTRY CLUB DR P. O. BOX 485 HALIFAX, MA 02338

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42511803 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/HALIFAX-#42511803 - COUNTRY CLUB HALIFAX-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

## **GENERAL INFORMATION**

Registration Number: 42511803 River Basin: TAUNTON

Registrant: COUNTRY CLUB HALIFAX

Use: Golf

Average Volume per Day (MGD): 0.07 Total Annual Volume (MGY): 14.98

Days of Operation: 214

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 1 Surface water: 1

Source ID	<u>Type</u>	Source Name
WM4479-01G	G	Well
WM4479-02S	S	Reservoir

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

## 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

## 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023
Kathleen Baskin, Assistant Commissioner	Date
Bureau of Water Resources	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

HANOVER WATER DEPARTMENT 40 POND STREET HANOVER, MA 02339

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42112202 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/Registration Statement/HANOVER-# 42112202-HANOVER WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42112202 River Basin: SOUTH COASTAL

Registrant: HANOVER WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 1.27 Total Annual Volume (MGY): 463.55

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 7

Groundwater: 7 Surface water: 0

Source ID	<b>Type</b>	Source Name
4122000-01G	$\overline{G}$	#1 POND
4122000-03G	G	<b>#1 HANOVER</b>
4122000-04G	G	<b>#2 HANOVER</b>
4122000-05G	G	#2 POND
4122000-06G	G	#1 BROADWAY
4122000-07G	G	#2 BROADWAY
4122000-08G	G	#3 POND

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that **holds a permit that does not include conditions on restricting nonessential outdoor water use** must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

HANSON WATER DEPARTMENT 1073 WEST WASHINGTON STREET HANSON, MA 02341

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42512301 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleer M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/HANSON-# 42512301-HANSON WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42512301 River Basin: TAUNTON

Registrant: HANSON WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 0.51 Total Annual Volume (MGY): 186.15

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 4

Groundwater: 4 Surface water: 0

Source ID	<u>Type</u>	Source Name
4123000-01G	G	CRYSTAL SPRING WELL
4123000-03G	G	CRYSTAL SPRING WELLFIELD
4123000-04G	G	CRYSTAL SPRING WELLFIELD
4123000-05G	G	CRYSTAL SPRING WELLFIELD

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that **holds a permit that does not include conditions on restricting nonessential outdoor water use** must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

HARWICH WATER DEPARTMENT P O BOX 987 196 CHATHAM ROAD HARWICH, MA 02645

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42212601 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/HARWICH-# 42212601-HARWICH WATER DEPARTMENT- WMA-Registration -2023-04-06



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (see 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

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Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor

Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42212601 River Basin: CAPE COD

Registrant: HARWICH WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 1.20 Total Annual Volume (MGY): 438.00

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 13

Groundwater: 13 Surface water: 0

Source ID	<b>Type</b>	Source Name
4126000-01G	G	GPW #1
4126000-02G	G	GPW #2
4126000-03G	G	GPW #3
4126000-05G	G	GPW #4
4126000-06G	G	GPW #5
4126000-07G	G	GPW #6
4126000-08G	G	GPW #7
4126000-09G	G	GPW #8
4126000-10G	G	GPW #9
4126000-11G	G	GPW #10
4126000-13G	G	MAIN STA REP WELL #1
4126000-14G	G	MAIN STA REP WELL #2
4126000-15G	G	MAIN STA REP WELL #3

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleer M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

CRANBERRY VALLEY GOLF COURSE 183 OAK STREET HARWICH, MA 02645

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42212607 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/HARWICH-#42212607 - CRANBERRY VALLEY GOLF COURSE-WMA-Registration -2023-04-06



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42212607 River Basin: CAPE COD

Registrant: CRANBERRY VALLEY GOLF COURSE

Use: Golf

Average Volume per Day (MGD): 0.11 Total Annual Volume (MGY): 23.48

Days of Operation: 210

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 1 Surface water: 1

Source ID	<u>Type</u>	Source Name
WM4094-01G	G	WELL #1
WM4094-01S	S	Irrigation Pond

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023
Kathleen Baskin, Assistant Commissioner	Date
Bureau of Water Resources	



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor

Bonnie Heiple Commissioner

April 6, 2023

WEIR RIVER WATER SYSTEM WTP 900 MAIN ST HINGHAM, MA 02043

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 41913101 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/HINGHAM-# 41913101-WEIR RIVER WATER SYSTEM WTP- WMA-Registration -2023-04-06



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (see 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor

Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 41913101 River Basin: BOSTON HARBOR

Registrant: WEIR RIVER WATER SYSTEM WTP

Use: Public Water Supply

Average Volume per Day (MGD): 3.51 Total Annual Volume (MGY): 1281.15

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 14

Groundwater: 11 Surface water: 3

Source ID	<u>Type</u>	Source Name
4131000-01S	S	ACCORD POND
4131000-02G	G	FREE STREET WELL #2
4131000-02S	S	ACCORD BROOK
4131000-03G	G	SCOTLAND STREET WELL 1
4131000-03S	S	FULLING MILL BASINS
4131000-04G	G	DOWNING STREET WELL
4131000-05G	G	FREE STREET WELL #3/#5
4131000-06G	G	PROSPECT STREET WELL
4131000-08G	G	FREE STREET WELL #4
4131000-09G	G	FREE STREET #2A
4131000-10G	G	SCOTLAND STREET WELL 1A
4131000-11G	G	FULLING MILL WELL 1
4131000-12G	G	FULLING MILL WELL 2

Source IDTypeSource Name4131000-13GGFREE STREET WELL #5

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

#### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

Nonessential Outdoor Water Use means a use that is not required:

- (a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;
- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work:
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at www.mass.gov/dep and at www.mass.gov/info-details/drought-status.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this

Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

RANDOLPH HOLBROOK JOINT WATER BOARD HOLBROOK TOWN HALL 50 NORTH FRANKLIN STREET HOLBROOK, MA 02343

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 41913301 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/HOLBROOK-# 41913301-RANDOLPH HOLBROOK JOINT WATER BOARD- WMA-Registration 2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 41913301 River Basin: BOSTON HARBOR

Registrant: RANDOLPH HOLBROOK JOINT WATER BOARD

Use: Public Water Supply

Average Volume per Day (MGD): 3.27 Total Annual Volume (MGY): 1193.55

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 4

Groundwater: 2 Surface water: 2

Source ID	<b>Type</b>	Source Name
4040000-02S	S	RICHARDI RESERVOIR
4244001-01G	G	SOUTH STREET WELL #1
4244001-01S	S	GREAT POND/ UPPER RESERVO
4244001-04G	G	DONNA ROAD WELL FIELD

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

KINGSTON WATER DEPARTMENT 26 EVERGREEN STREET KINGSTON, MA 02364

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42114508 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleer M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/KINGSTON-# 42114508-KINGSTON WATER DEPARTMENT- WMA-Registration -2023-04-06



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42114508 River Basin: SOUTH COASTAL

Registrant: KINGSTON WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 0.99 Total Annual Volume (MGY): 361.35

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 5

Groundwater: 5 Surface water: 0

Source ID	<b>Type</b>	Source Name
4145000-02G	G	SOULES POND GP WELL 1
4145000-03G	G	SOUTH ST. GP WELL
4145000-04G	G	WINTHROP ST. GP WELL
4145000-05G	G	MILLGATE RD.GP WELL
4145000-06G	G	GRASSY HOLE GP WELL

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

POQUOY BROOK GOLF COURSE 20 LEONARD STREET LAKEVILLE, MA 02347

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42514601 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/LAKEVILLE-#42514601 - POQUOY BROOK GOLF COURSE-WMA-Registration -2023-04-06



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42514601 River Basin: TAUNTON

Registrant: POQUOY BROOK GOLF COURSE

Use: Golf

Average Volume per Day (MGD): 0.10 Total Annual Volume (MGY): 21.40

Days of Operation: 214

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 0 Surface water: 1

Source ID Type Source Name

WM4567-01S S POND

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

#### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

#### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023
Kathleen Baskin, Assistant Commissioner	Date
Bureau of Water Resources	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

LAKEVILLE COUNTRY CLUB 44 CLEAR POND RD LAKEVILLE, MA 02347

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42529304 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/ LAKEVILLE-#42529304 - LAKEVILLE COUNTRY CLUB-WMA-Registration -2023-04-06



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42529304 River Basin: TAUNTON

Registrant: LAKEVILLE COUNTRY CLUB

Use: Golf

Average Volume per Day (MGD): 0.17 Total Annual Volume (MGY): 30.40

Days of Operation: 180

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 0 Surface water: 1

Source IDTypeSource NameWM3938-01SSRESERVOIR

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

#### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

#### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023
Kathleen Baskin, Assistant Commissioner	Date
Bureau of Water Resources	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

FLINTLAND FARMS 789 EAST ST MANSFIELD, MA 02048

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #V42516701 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/MANSFIELD -# V42516701 - FLINTLAND FARMS- WMA-Registration -2023-/04-/06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Water Withdrawals Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, as applicable.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.

Many Registrants also hold Water Management Act permits. If the Registrant holds a Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: V42516701 River Basin: TAUNTON

Registrant: FLINTLAND FARMS

Use: Agriculture

Average Volume per Day (MGD): 0.02 Total

Days of Operation: 90

Total Annual Volume (MGY): 1.73

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 0 Surface water: 1

Source IDTypeSource NameWM4606-01SSCANOE RIVER

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

#### 3. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 4. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 5. Registration Renewal

This Registration Statement is effective from April 8, 2023, and expires on April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 6. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

A copy of this Registration Statement shall be included with a Notice of Claim. The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

MANSFIELD WATER DEPARTMENT 6 PARK ROW MANSFIELD, MA 02048

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42516701 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen Baskin

Assistant Commissioner
Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/MANSFIELD-# 42516701-MANSFIELD WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42516701 River Basin: TAUNTON

Registrant: MANSFIELD WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 1.59 Total Annual Volume (MGY): 580.35

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 4

Groundwater: 4 Surface water: 0

Source ID	<b>Type</b>	Source Name
4167000-01G	G	CATE SPRINGS WELL #1
4167000-08G	G	<b>DUSTIN WELL #7</b>
4167000-09G	G	PRESCOTT WELL #8
4167000-10G	G	PRESCOTT WELL #9

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

MANSFIELD WATER DEPARTMENT 6 PARK ROW MANSFIELD, MA 02048

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42716701 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/MANSFIELD-# 42716701-MANSFIELD WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42716701 River Basin: TEN MILE

Registrant: MANSFIELD WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 0.59 Total Annual Volume (MGY): 215.35

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 4

Groundwater: 4 Surface water: 0

Source ID	<b>Type</b>	Source Name
4167000-03G	G	ALBERTINI #2
4167000-04G	G	ALBERTINI #3
4167000-05G	G	ALBERTINI #4
4167000-07G	G	MAHANA WELL #6

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

MARION WATER DIVISION 50 BENSON BROOK RD MARION, MA 02738

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42416910 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen Baskin

Assistant Commissioner
Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/MARION-# 42416910-MARION WATER DIVISION- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42416910 River Basin: BUZZARDS BAY

Registrant: MARION WATER DIVISION

Use: Public Water Supply

Average Volume per Day (MGD): 0.56 Total Annual Volume (MGY): 205.10

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 5

Groundwater: 5 Surface water: 0

Source ID	<b>Type</b>	Source Name
4169000-01G	G	MARY'S POND STATION
4169000-02G	G	EAST WELL
4169000-03G	G	WEST WELL
4169000-04G	G	MAIN WATER STATION #1
4169000-05G	G	WOLF ISLAND STATION

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

MARSHFIELD COUNTRY CLUB 515 MORAINE STREET MARSHFIELD, MA 02050

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42117102 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/MARSHFIELD-#42117102 - MARSHFIELD COUNTRY CLUB-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42117102 River Basin: SOUTH COASTAL

Registrant: MARSHFIELD COUNTRY CLUB

Use: Golf

Average Volume per Day (MGD): 0.10 Total Annual Volume (MGY): 27.00

Days of Operation: 270

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 3

Groundwater: 3 Surface water: 0

Source ID	<b>Type</b>	Source Name
WM4024-01G	G	WELL #1
WM4024-02G	G	WELL #2
WM4024-03G	G	WELL #3

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

#### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

#### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner	Date	
Bureau of Water Resources		



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

MARSHFIELD WATER & SEWER DEPARTMENT TOWN HALL 870 MORAINE STREET MARSHFIELD. MA 02050

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42117105 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/MARSHFIELD-# 42117105-MARSHFIELD WATER & SEWER DEPARTMENT- WMA-Registration - 2023-04-06



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42117105 River Basin: SOUTH COASTAL

Registrant: MARSHFIELD WATER & SEWER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 3.07 Total Annual Volume (MGY): 1120.55

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 12

Groundwater: 12 Surface water: 0

Source ID	<b>Type</b>	Source Name
4171000-01G	$\overline{\mathbf{G}}$	MT SKIRGO WELLFIELD
4171000-05G	G	FURNACE BROOK WELL #2
4171000-06G	G	FURNACE BROOK WELL #3
4171000-07G	G	FURNACE BROOK WELL #4
4171000-08G	G	SOUTH RIVER STREET
4171000-09G	G	SCHOOL ST WELL
4171000-10G	G	WEBSTER ST #1
4171000-11G	G	FERRY STREET
4171000-12G	G	WEBSTER ST #2
4171000-13G	G	CHURCH ST WELL
4171000-14G	G	UNION STREET #1
4171000-17G	G	FURNACE BROOK WELL #1A

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

MASHPEE WATER DISTRICT 79 INDUSTRIAL DRIVE MASHPEE, MA 02649

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42217201 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/MASHPEE-# 42217201-MASHPEE WATER DISTRICT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42217201 River Basin: CAPE COD

Registrant: MASHPEE WATER DISTRICT

Use: Public Water Supply

Average Volume per Day (MGD): 0.14 Total Annual Volume (MGY): 51.10

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 3

Groundwater: 3 Surface water: 0

Source ID	<b>Type</b>	Source Name
4172039-02G	$\overline{G}$	<b>ROCK LANDING WELL #2</b>
4172039-03G	G	ROCK LANDING WELL #3
4172039-04G	G	OUAKER RUN #4

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

QUASHNET VALLEY GOLF COURSE C/O LACAVA COMPANIES 391 TOTTEN POND RD, SUITE 403 WALTHAM, MA 02451

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42217202 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/MASHPEE-#42217202 - OUASHNET VALLEY GOLF COURSE-WMA-Registration -2023-04-06



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Lieutenant Governor

Kimberley Driscoll

Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42217202 River Basin: CAPE COD

Registrant: QUASHNET VALLEY GOLF COURSE

Use: Golf

Average Volume per Day (MGD): 0.09 Total Annual Volume (MGY): 18.10

Days of Operation: 210

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 0 Surface water: 1

Source ID Type Source Name

WM3621-01S S QUASHNET VALLEY G C POND

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

#### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

#### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner	Date	
Bureau of Water Resources		



## Department of Environmental Protection

100 Cambridge Street Suite 900 Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

June 9, 2025

CONCERT NEW SEABURY, LLC 300 INTERNATIONAL PARKWAY, SUITE150 LAKE MARY, FL 32746

### Dear Registrant:

The Massachusetts Department of Environmental Protection (MassDEP) received a BRP WM01 registration transfer application on June 6, 2025 to transfer four sources registered (42217203) with the Water Management Act (WMA) from NS Beach Club, LLC to Concert New Seabury, LLC. According to the transfer application form, there will be no change in the use of the authorized water withdrawal volumes or withdrawal points, in the discharge point of the water after use, or in the number of days per year that the water will be withdrawn.

#### Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The transferred Water Management Act Registrant Statement #42217203 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Shi Chen at <u>shi.chen@mass.gov</u> or (857) 360-0042.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/Registration Statement/ MASHPEE-#42217203 - NEW SEABURY BEACH CLUB LLC-WMA-Registration -2025-06-09-Transferred



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor

Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. See 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that if you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor

Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42217203 River Basin: CAPE COD

Registrant: CONCERT NEW SEABURY, LLC

Use: Golf

Average Volume per Day (MGD): 0.22 Total Annual Volume (MGY): 53.00

Days of Operation: 240

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Transferred Date: June 9, 2025

Number of registered withdrawal points: 4

Groundwater: 4 Surface water: 0

Source ID	<u>Type</u>	Source Name
WM9059-01G	G	Well #1
WM9059-02G	G	Well #2
WM9059-03G	G	Well #3A
WM9059-04G	G	Well #3B

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

#### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

#### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 6. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	June 9, 2025	
Kathleen Baskin, Assistant Commissioner	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

MATTAPOISETT WATER & SEWER DEPT P O BOX 474 19 COUNTY ROAD MATTAPOISETT, MA 02739

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42417301 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/MATTAPOISETT-# 42417301-MATTAPOISETT WATER & SEWER DEPT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42417301 River Basin: BUZZARDS BAY

Registrant: MATTAPOISETT WATER & SEWER DEPT

Use: Public Water Supply

Average Volume per Day (MGD): 0.42 Total Annual Volume (MGY): 152.90

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 3

Groundwater: 3 Surface water: 0

Source ID	<b>Type</b>	Source Name
4173000-02G	$\overline{G}$	STATION #2
4173000-03G	G	STATION #3
4173000-04G	G	STATION #4

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

MIDDLEBORO WATER SUPPLY 48 WAREHAM STREET MIDDLEBOROUGH, MA 02346

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42518203 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/Registration
Statement/MIDDLEBOROUGH-# 42518203-MIDDLEBORO WATER SUPPLY- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42518203 River Basin: TAUNTON

Registrant: MIDDLEBORO WATER SUPPLY

Use: Public Water Supply

Average Volume per Day (MGD): 1.53 Total Annual Volume (MGY): 558.45

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 9

Groundwater: 9 Surface water: 0

Source ID	<b>Type</b>	Source Name
4182000-01G	G	ROCK VILLAGE WELL #1
4182000-02G	G	ROCK VILLAGE WELL #2
4182000-03G	G	EAST MAIN STREET WELL #1
4182000-04G	G	EAST GROVE STREET WELL
4182000-05G	G	TISPAQUIN WELL #1
4182000-06G	G	MILLER STREET WELL
4182000-07G	G	EAST MAIN STREET WELL #2
4182000-08G	G	PLYMPTON STREET WELL
4182000-09G	G	CROSS STREET WELL

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

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Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

WL BYRNE INC 210 WOOD ST MIDDLEBOROUGH, MA 02346

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42518226 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/MIDDLEBOROUGH-# 42518226-WL BYRNE INC- WMA-Registration -2023/04/06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Water Withdrawals Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, as applicable.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.

Many Registrants also hold Water Management Act permits. If the Registrant holds a Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42518226 River Basin: TAUNTON

Registrant: WL BYRNE INC

Use: Industry

Average Volume per Day (MGD): 0.25 Total Annual Volume (MGY): 91.25

Days of Operation: 365

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1 Groundwater: 0 Surface water: 1

Source ID Type Source Name

WM3954-01S S WOOD ST. RESERVOIR

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 4. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 5. Registration Renewal

This Registration Statement is effective from April 8, 2023, and expires on April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 6. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

A copy of this Registration Statement shall be included with a Notice of Claim. The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

BARTLETT'S OCEAN VIEW FARM 33 BARTLETT FARM ROAD NANTUCKET, MA 02554

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42319704 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/NANTUCKET -# 42319704 - BARTLETT'S OCEAN VIEW FARM- WMA-Registration -2023-/04-/06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement For Water Withdrawals Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, as applicable.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.

Many Registrants also hold Water Management Act permits. If the Registrant holds a Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42319704 River Basin: ISLANDS

Registrant: BARTLETT'S OCEAN VIEW FARM

Use: Agriculture

Average Volume per Day (MGD): 0.18 Total Annual Volume (MGY): 27.00

Days of Operation: 150

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 4

Groundwater: 2 Surface water: 2

Source ID	<b>Type</b>	Source Name
WM4131-01G	G	BARTLETT WELL 1
WM4131-01S	S	RESERVOIR
WM4131-02G	G	BARTLETT WELL 2
WM4131-02S	S	<b>HUMMOCK POND</b>

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

#### 3. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### **4. Effect On Any Pending And Future Actions**

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 5. Registration Renewal

This Registration Statement is effective from April 8, 2023, and expires on April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 6. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

A copy of this Registration Statement shall be included with a Notice of Claim. The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

SIASCONSET WATER DEPARTMENT 1 MILESTONE ROAD SIASCONSET, MA 02564

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42319702 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleer M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/NANTUCKET-# 42319702-SIASCONSET WATER DEPARTMENT- WMA-Registration -2023-04-06



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42319702 River Basin: ISLANDS

Registrant: SIASCONSET WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 0.11 Total Annual Volume (MGY): 40.66

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 2 Surface water: 0

Source ID	<b>Type</b>	Source Name
4197001-06G	G	GP WELL #1
4197001-07G	G	GP WELL #2

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

WANNACOMET WATER CO 1 MILESTONE RD NANTUCKET, MA 02554

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42319703 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleer M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/NANTUCKET-# 42319703-WANNACOMET WATER CO- WMA-Registration -2023-04-06



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42319703 River Basin: ISLANDS

Registrant: WANNACOMET WATER CO

Use: Public Water Supply

Average Volume per Day (MGD): 0.61 Total Annual Volume (MGY): 224.12

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 4

Groundwater: 4 Surface water: 0

Source ID	<b>Type</b>	Source Name
4197000-01G	G	Wyers Valley Tubular WF
4197000-02G	G	Wyers Valley GP Well
4197000-05G	G	WELL #15
4197000-06G	G	WELL #16

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

SANKATY HEAD GOLF CLUB BOX 603 POLPIS ROAD SIASCONSET, MA 02564

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42319705 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/SIASCONSET-#42319705 - SANKATY HEAD GOLF CLUB-WMA-Registration -2023-04-06



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42319705 River Basin: ISLANDS

Registrant: SANKATY HEAD GOLF CLUB

Use: Golf

Average Volume per Day (MGD): 0.13 Total Annual Volume (MGY): 23.79

Days of Operation: 183

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 2 Surface water: 0

Source ID	<b>Type</b>	Source Name
WM4132-01G	G	PUMP 1
WM4132-02G	G	PUMP 2

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

#### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

#### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner	Date	
Bureau of Water Resources		



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

REVERE COPPER PRODUCTS INC 24 NORTH FRONT STREET NEW BEDFORD, MA 02741

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42420101 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/NEW BEDFORD-# 42420101-REVERE COPPER PRODUCTS INC- WMA-Registration -2023/04/06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Water Withdrawals Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, as applicable.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.

Many Registrants also hold Water Management Act permits. If the Registrant holds a Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42420101 River Basin: BUZZARDS BAY

Registrant: REVERE COPPER PRODUCTS INC

Use: Industry

Average Volume per Day (MGD): 0.08 Total Annual Volume (MGY): 30.52

Days of Operation: 365

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1 Groundwater: 0 Surface water: 1

Source IDTypeSource NameWM4254-01SSRODMAN POND

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### **4. Effect On Any Pending And Future Actions**

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 5. Registration Renewal

This Registration Statement is effective from April 8, 2023, and expires on April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 6. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

A copy of this Registration Statement shall be included with a Notice of Claim. The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

NEW BEDFORD WATER DEPARTMENT 1105 SHAWMUT AVENUE NEW BEDFORD, MA 02740

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42520101 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen Baskin

Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/NEW BEDFORD-# 42520101-NEW BEDFORD WATER DEPARTMENT- WMA-Registration -2023-04-06



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42520101 River Basin: TAUNTON

Registrant: NEW BEDFORD WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 18.27 Total Annual Volume (MGY): 6668.55

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 0 Surface water: 2

Source ID	<u>Type</u>	Source Name
4201000-01S	S	GREAT QUITTACAS POND
4201000-02S	S	LITTLE QUITTACAS POND

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

NORTH ATTLEBORO WATER DEPARTMENT 49 WHITING STREET NORTH ATTLEBOROUGH, MA 02760

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 41221101 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen Baskin

Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/NORTH ATTLEBOROUGH-# 41221101-NORTH ATTLEBORO WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 41221101 River Basin: BLACKSTONE

Registrant: NORTH ATTLEBORO WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 0.43 Total Annual Volume (MGY): 156.95

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 1 Surface water: 0

Source ID Type Source Name

4211000-08G G ADAMSDALE WELL

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

US FISH AND WILDLIFE SERVICE NORTH ATTLEBORO NATIONAL FISH HATCHERY 144 BUNGAY RD NORTH ATTLEBOROUGH, MA 02760

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42721101 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleer M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/NORTH ATTLEBOROUGH-# 42721101-US FISH AND WILDLIFE SERVICE- WMA-Registration 2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Water Withdrawals Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, as applicable.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.

Many Registrants also hold Water Management Act permits. If the Registrant holds a Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42721101 River Basin: TEN MILE

Registrant: US FISH AND WILDLIFE SERVICE

Use: Fish Hatchery

Average Volume per Day (MGD): 1.71 Total Annual Volume (MGY): 624.78

Days of Operation: 365

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 4
Groundwater: 3 Surface water: 1

Source ID	<u>Type</u>	Source Name
WM4382-01G	G	WELL #2
WM4382-01S	S	<b>BUNGAY RIVER</b>
WM4382-02G	G	WELL #3
WM4382-03G	G	WELL #4

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

#### 3. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### **4. Effect On Any Pending And Future Actions**

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 5. Registration Renewal

This Registration Statement is effective from April 8, 2023, and expires on April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 6. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

A copy of this Registration Statement shall be included with a Notice of Claim. The Notice of Claim and supporting documentation must be sent to:

Case Administrator
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Department of Environmental Protection
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Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

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Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

BORO SAND & STONE 192 PLAIN STREET NORTH ATTLEBOROUGH, MA 02760

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42721102 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/NORTH ATTLEBOROUGH-# 42721102-BORO SAND & STONE- WMA-Registration -2023/04/06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Water Withdrawals Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, as applicable.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.

Many Registrants also hold Water Management Act permits. If the Registrant holds a Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42721102 River Basin: TEN MILE

Registrant: BORO SAND & STONE

Use: Industry

Average Volume per Day (MGD): 0.29 Total Annual Volume (MGY): 106.50

Days of Operation: 365

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2 Groundwater: 1 Surface water: 1

Source IDTypeSource NameWM4384-01GGWellWM4384-02SSSump

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 4. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 5. Registration Renewal

This Registration Statement is effective from April 8, 2023, and expires on April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 6. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

A copy of this Registration Statement shall be included with a Notice of Claim. The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

NORTH ATTLEBORO WATER DEPARTMENT 49 WHITING STREET NORTH ATTLEBOROUGH, MA 02760

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42721103 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen Baskin

Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/NORTH ATTLEBOROUGH-# 42721103-NORTH ATTLEBORO WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42721103 River Basin: TEN MILE

Registrant: NORTH ATTLEBORO WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 2.10 Total Annual Volume (MGY): 766.50

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 8

Groundwater: 8 Surface water: 0

Source ID	<b>Type</b>	Source Name
4211000-01G	G	PLAINVILLE WELL #4
4211000-02G	G	PLAINVILLE WELL #1
4211000-03G	G	PLAINVILLE WELL #2
4211000-04G	G	PLAINVILLE WELL #3
4211000-05G	G	KELLY BOULEVARD #1
4211000-06G	G	KELLY BOULEVARD #2
4211000-07G	G	WHITING STREET WELL
4211000-10G	G	PLAINVILLE WELL 2A

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that **holds a permit that does not include conditions on restricting nonessential outdoor water use** must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

NORTON WATER DEPARTMENT PO BOX 1168 NORTON, MA 02766

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42521801 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/NORTON-# 42521801-NORTON WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42521801 River Basin: TAUNTON

Registrant: NORTON WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 1.21 Total Annual Volume (MGY): 441.65

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 4

Groundwater: 4 Surface water: 0

Source ID	<b>Type</b>	Source Name
4218000-05G	G	PUMPING STATION #5
4218000-07G	G	Replacement for Well #1
4218000-08G	G	Replacement for Well #4
4218000-09G	G	Replacement for Well #3

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that **holds a permit that does not include conditions on restricting nonessential outdoor water use** must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

NORWELL WATER DEPARTMENT 345 MAIN STREET NORWELL, MA 02061

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 41921901 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen Baskin

Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/NORWELL-# 41921901-NORWELL WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 41921901 River Basin: BOSTON HARBOR

Registrant: NORWELL WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 0.32 Total Annual Volume (MGY): 116.80

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 3

Groundwater: 3 Surface water: 0

Source ID	<b>Type</b>	Source Name
4219000-02G	$\overline{G}$	WELL #2
4219000-03G	G	WELL #3
4219000-05G	G	WELL #5

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that **holds a permit that does not include conditions on restricting nonessential outdoor water use** must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

NORWELL WATER DEPARTMENT 345 MAIN STREET NORWELL, MA 02061

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42121902 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen Baskin

Kathleen M Baskin

Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/Registration Statement/NORWELL-# 42121902-NORWELL WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42121902 River Basin: SOUTH COASTAL

Registrant: NORWELL WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 0.68 Total Annual Volume (MGY): 248.20

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 6

Groundwater: 6 Surface water: 0

Source ID	<b>Type</b>	Source Name
4219000-01G	G	WELL #1
4219000-06G	G	WELL #6
4219000-08G	G	WELL #7
4219000-09G	G	WELL #8
4219000-10G	G	WELL #9
4219000-13G	G	WELL #4 REPLACEMENT

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

OAK BLUFFS WATER DISTRICT P O BOX 1297 OAK BLUFFS, MA 02557-1297

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42322101 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen Baskin

Assistant Commissioner
Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/OAK BLUFFS-# 42322101-OAK BLUFFS WATER DISTRICT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

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Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42322101 River Basin: ISLANDS

Registrant: OAK BLUFFS WATER DISTRICT

Use: Public Water Supply

Average Volume per Day (MGD): 0.58 Total Annual Volume (MGY): 211.70

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 2 Surface water: 0

Source ID	<b>Type</b>	Source Name
4221000-01G	$\overline{G}$	LAGOON POND WELLFIELD
4221000-02G	G	FARM NECK ROAD WELLFIELD

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

FARM NECK GOLF CLUB P O BOX 1656 FARM NECK WAY OAK BLUFFS, MA 02557

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42322102 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/OAK BLUFFS-#42322102 - FARM NECK GOLF CLUB-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

## **GENERAL INFORMATION**

Registration Number: 42322102 River Basin: ISLANDS

Registrant: FARM NECK GOLF CLUB

Use: Golf

Average Volume per Day (MGD): 0.16 Total Annual Volume (MGY): 34.24

Days of Operation: 214

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 2 Surface water: 0

Source ID	<b>Type</b>	Source Name
WM4134-01G	G	Well #1 at 18th Hole
WM4134-02G	G	Well #2 at 9th Hole

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

## 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

## 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner	Date	
Bureau of Water Resources		



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

ORLEANS WATER DEPARTMENT 19 SCHOOL ROAD ORLEANS, MA 02653

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42222401 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleer M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/ORLEANS-# 42222401-ORLEANS WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42222401 River Basin: CAPE COD

Registrant: ORLEANS WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 0.86 Total Annual Volume (MGY): 313.90

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 5

Groundwater: 5 Surface water: 0

Source ID	<b>Type</b>	Source Name
4224000-01G	G	PUMPING STATION #1
4224000-02G	G	<b>PUMPING STATION #2</b>
4224000-03G	G	<b>PUMPING STATION #3</b>
4224000-04G	G	<b>PUMPING STATION #4</b>
4224000-05G	G	<b>PUMPING STATION #5</b>

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

OTIS COAST GUARD BASE 156 REILLY STREET BOX 46 OTIS AFB, MA 02542

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42222502 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/OTIS AFB-# 42222502-OTIS COAST GUARD BASE- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42222502 River Basin: CAPE COD

Registrant: OTIS COAST GUARD BASE

Use: Public Water Supply

Average Volume per Day (MGD): 0.54 Total Annual Volume (MGY): 197.10

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 1 Surface water: 0

Source ID Type Source Name 4096001-01G G WELL "J"

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

USCG GOLF COURSE OTIS ANGB BUILDING 5216, BRYAN ROAD COAST GUARD AIR STATION CAPE COD BUZZARDS BAY, MA 02542

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #V42222501 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/OTIS AFB-#V42222501 - USCG GOLF COURSE OTIS ANGB-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: V42222501 River Basin: CAPE COD

Registrant: USCG GOLF COURSE OTIS ANGB

Use: Golf

Average Volume per Day (MGD): 0.02 Total Annual Volume (MGY): 5.40

Days of Operation: 270

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 1 Surface water: 0

Source IDTypeSource NameWM4105-01GGWELL B

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023		
Kathleen Baskin, Assistant Commissioner	Date		
Bureau of Water Resources			



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

PEMBROKE WATER DEPARTMENT 100 CENTER STREET PEMBROKE, MA 02359

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42123101 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen Baskin

Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP\_WMA/Registration\_Renewal\_2023/\_Registration\_ Statement/PEMBROKE-#\_42123101-PEMBROKE\_WATER\_DEPARTMENT-\_WMA-Registration\_-2023-04-06\_



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42123101 River Basin: SOUTH COASTAL

Registrant: PEMBROKE WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 0.99 Total Annual Volume (MGY): 361.35

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 3

Groundwater: 3 Surface water: 0

Source ID	<u>Type</u>	Source Name
4231000-01G	$\overline{G}$	HOBOMOCK GPW #1
4231000-02G	G	CENTER ST GPW #2
4231000-03G	G	GPW #3

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

PEMBROKE COUNTRY CLUB INC 94 WEST ELM STREET PEMBROKE, MA 02359-2133

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42123107 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/ PEMBROKE-#42123107 - PEMBROKE COUNTRY CLUB INC-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42123107 River Basin: SOUTH COASTAL

Registrant: PEMBROKE COUNTRY CLUB INC

Use: Golf

Average Volume per Day (MGD): 0.13 Total Annual Volume (MGY): 31.76

Days of Operation: 240

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 1 Surface water: 1

Source ID	<u>Type</u>	Source Name
WM3988-01G	G	FAIRWAY 18 WELL
WM3988-01S	S	FAIRWAY 9 POND

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner	Date	
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## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

PLAINVILLE BOARD OF WATER COMMISSIONERS PO BOX 1565 171 EAST BACON STREET PLAINVILLE, MA 02762

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42523801 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen Baskin

Kathleen M Baskin

Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/PLAINVILLE-# 42523801-PLAINVILLE BOARD OF WATER COMMISSIONERS- WMA-Registration - 2023-04-06



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42523801 River Basin: TAUNTON

Registrant: PLAINVILLE BOARD OF WATER COMMISSIONERS

Use: Public Water Supply

Average Volume per Day (MGD): 0.39 Total Annual Volume (MGY): 142.35

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 2 Surface water: 0

Source ID	<b>Type</b>	Source Name
4238000-01G	G	WELLS #1and 1A
4238000-02G	G	WELLS #2 and 2A

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

PLAINVILLE BOARD OF WATER COMMISSIONERS PO BOX 1565 171 EAST BACON STREET PLAINVILLE, MA 02762

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42723801 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/PLAINVILLE-# 42723801-PLAINVILLE BOARD OF WATER COMMISSIONERS- WMA-Registration - 2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42723801 River Basin: TEN MILE

Registrant: PLAINVILLE BOARD OF WATER COMMISSIONERS

Use: Public Water Supply

Average Volume per Day (MGD): 0.23 Total Annual Volume (MGY): 82.68

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 1 Surface water: 0

Source ID Type Source Name

4238000-03G G WELLS #3A. 3B and 3C

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

TL EDWARDS INC 100 WALES AVE AVON, MA 02322

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42112201 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/PLYMOUTH-# 42112201-TL EDWARDS INC- WMA-Registration -2023/04/06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Water Withdrawals Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, as applicable.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.

Many Registrants also hold Water Management Act permits. If the Registrant holds a Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42112201 River Basin: SOUTH COASTAL

Registrant: TL EDWARDS INC

Use: Industry

Average Volume per Day (MGD): 0.13 Total Annual Volume (MGY): 47.45

Days of Operation: 365

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1 Groundwater: 1 Surface water: 0

Source ID<br/>WM3976-01GType<br/>GSource Name<br/>WELL #1

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 4. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 5. Registration Renewal

This Registration Statement is effective from April 8, 2023, and expires on April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 6. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

A copy of this Registration Statement shall be included with a Notice of Claim. The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

LINCHRIS HOTEL CORP 225 WATER STREET PLYMOUTH, MA 02360

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42123916 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/PLYMOUTH-# 42123916-LINCHRIS HOTEL CORP- WMA-Registration -2023/04/06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Water Withdrawals Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, as applicable.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.

Many Registrants also hold Water Management Act permits. If the Registrant holds a Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42123916 River Basin: SOUTH COASTAL

Registrant: LINCHRIS HOTEL CORP

Use: Industry

Average Volume per Day (MGD): 0.10 Total Annual Volume (MGY): 36.50

Days of Operation: 365

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2 Groundwater: 2 Surface water: 0

Source IDTypeSource NameWM8846-01GGWell OneWM8846-02GGWell Two

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 4. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 5. Registration Renewal

This Registration Statement is effective from April 8, 2023, and expires on April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 6. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

A copy of this Registration Statement shall be included with a Notice of Claim. The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

WHITE CLIFFS COMM ASSOCIATION 1 EAST CLIFF DRIVE PLYMOUTH, MA 02360

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42123928 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Katheen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/PLYMOUTH-#42123928 - WHITE CLIFFS COMM ASSOCIATION-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

 $<sup>^1</sup>$  The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

## **GENERAL INFORMATION**

Registration Number: 42123928 River Basin: SOUTH COASTAL

Registrant: WHITE CLIFFS COMM ASSOCIATION

Use: Golf

Average Volume per Day (MGD): 0.10 Total Annual Volume (MGY): 29.32

Days of Operation: 303

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 3

Groundwater: 3 Surface water: 0

<u>Type</u>	Source Name
G	EASTSIDE WELL
G	WELL AT THIRD HOLE
G	WESTSIDE WELL
	G G

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

## 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

## 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner	Date	
Bureau of Water Resources		



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

PROVINCETOWN WATER DEPARTMENT 26 ALDEN STREET PROVINCETOWN, MA 02657

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42224201 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen Baskin

Kathleen M Baskin

Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/PROVINCETOWN-# 42224201-PROVINCETOWN WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42224201 River Basin: CAPE COD

Registrant: PROVINCETOWN WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 0.85 Total Annual Volume (MGY): 311.62

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 3

Groundwater: 3 Surface water: 0

Source ID	<b>Type</b>	Source Name
4242000-02G	G	KNOWLES CROSSING WELLFIEL
4242000-03G	G	PAUL D. DALEY WELLFIELD
4242000-05G	G	N TRURO AIR FORCE WELL#5

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

NORTH RAYNHAM WATER DISTRICT 80 BAKER ROAD PO BOX 1 RAYNHAM, MA 02767

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42524501 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/RAYNHAM-# 42524501-NORTH RAYNHAM WATER DISTRICT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42524501 River Basin: TAUNTON

Registrant: NORTH RAYNHAM WATER DISTRICT

Use: Public Water Supply

Average Volume per Day (MGD): 0.32 Total Annual Volume (MGY): 116.80

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 4

Groundwater: 4 Surface water: 0

Source ID	<b>Type</b>	Source Name
4245002-01G	G	KING PHILIP ST. STATION 1
4245002-03G	G	KING PHILIP ST. STATION 2
4245002-06G	G	FIRST ST REPLACEMENT 1
4245002-07G	G	FIRST ST REPLACEMENT 2

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

RAYNHAM CENTER WATER DISTRICT 280 PLEASANT STREET PO BOX 160 RAYNHAM, MA 02767

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42524502 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/RAYNHAM-# 42524502-RAYNHAM CENTER WATER DISTRICT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42524502 River Basin: TAUNTON

Registrant: RAYNHAM CENTER WATER DISTRICT

Use: Public Water Supply

Average Volume per Day (MGD): 0.40 Total Annual Volume (MGY): 146.00

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 5

Groundwater: 5 Surface water: 0

Source ID	<b>Type</b>	Source Name
4245000-03G	G	NIP #2
4245000-04G	G	NIP 1A
4245000-05G	G	NIP 2A
4245000-06G	G	NIP 2B
4245000-08G	G	NIP 1B

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

CRESTWOOD COUNTRY CLUB 90 WHEELER ST REHOBOTH, MA 02769

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42624704 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/ REHOBOTH-#42624704 - CRESTWOOD COUNTRY CLUB-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

 $<sup>^1</sup>$  The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42624704 River Basin: NARRAGANSET BAY

Registrant: CRESTWOOD COUNTRY CLUB

Use: Golf

Average Volume per Day (MGD): 0.08 Total Annual Volume (MGY): 19.24

Days of Operation: 240

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 1 Surface water: 0

Source ID Type Source Name
WM4461-01G G Palmer River

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023
Kathleen Baskin, Assistant Commissioner	Date
Bureau of Water Resources	



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

ABINGTON & ROCKLAND JT WATER WORKS 366 CENTRE ST ROCKLAND, MA 02370

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42125101 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen Baskin

Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/ROCKLAND-# 42125101-ABINGTON & ROCKLAND JT WATER WORKS- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42125101 River Basin: SOUTH COASTAL

Registrant: ABINGTON & ROCKLAND JT WATER WORKS

Use: Public Water Supply

Average Volume per Day (MGD): 2.21 Total Annual Volume (MGY): 805.68

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 0 Surface water: 2

Source ID	<b>Type</b>	Source Name
4001000-01S	S	GREAT SANDY BOTTOM POND
4001000-02S	S	HINGHAM STREET RESERVOIR

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

ABINGTON & ROCKLAND JT WATER WORKS 366 CENTRE ST ROCKLAND, MA 02370

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42525101 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen Baskin

Kathleen M Baskin

Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/Registration
Statement/NORTH ABINGTON-# 42525101-ABINGTON & ROCKLAND JT WATER WORKS- WMA-Registration - 2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42525101 River Basin: TAUNTON

Registrant: ABINGTON & ROCKLAND JT WATER WORKS

Use: Public Water Supply

Average Volume per Day (MGD): 0.46 Total Annual Volume (MGY): 169.22

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 4

Groundwater: 4 Surface water: 0

Source ID	<b>Type</b>	Source Name
4001000-01G	G	MYERS AVENUE WELL #1
4001000-02G	G	MYERS AVE WELL #2
4001000-03G	G	MYERS AVE. WELL #3
4001000-04G	G	MYERS AVE. WELL #4

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

SANDWICH WATER DISTRICT P O BOX 600 72 TUPPER ROAD SANDWICH, MA 02563

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42226108 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/SANDWICH-# 42226108-SANDWICH WATER DISTRICT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42226108 River Basin: CAPE COD

Registrant: SANDWICH WATER DISTRICT

Use: Public Water Supply

Average Volume per Day (MGD): 0.77 Total Annual Volume (MGY): 281.05

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 4

Groundwater: 4 Surface water: 0

Source ID	<b>Type</b>	Source Name
4261000-02G	G	<b>BOILING SPRINGS</b>
4261000-03G	G	<b>BOILING SPRINGS</b>
4261000-04G	G	PINKHAM ROAD
4261000-05G	G	WEEKS POND WELL

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that **holds a permit that does not include conditions on restricting nonessential outdoor water use** must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

CANAL GENERATING LLC 9 FREEZER ROAD - TRAINING CENTER ATTN: LESLIE ALDEN SANDWICH, MA 02563

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42226109 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/SANDWICH-# 42226109-CANAL GENERATING LLC- WMA-Registration -2023/04/06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Water Withdrawals Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, as applicable.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.

Many Registrants also hold Water Management Act permits. If the Registrant holds a Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42226109 River Basin: CAPE COD

Registrant: CANAL GENERATING LLC

Use: Industry

Average Volume per Day (MGD): 0.45 Total Annual Volume (MGY): 164.25

Days of Operation: 365

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2 Groundwater: 2 Surface water: 0

 Source ID
 Type
 Source Name

 WM4112-01G
 G
 WELL #1

 WM4112-02G
 G
 WELL #2

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 4. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 5. Registration Renewal

This Registration Statement is effective from April 8, 2023, and expires on April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 6. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

A copy of this Registration Statement shall be included with a Notice of Claim. The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

October 4, 2023

SANDWICH HOLLOWS GOLF COURSE 1 ROUND HILL RD EAST SANDWICH, MA 02537

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The REVISED Water Management Act Registrant Statement #42226112 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/ EAST SANDWICH-#42226112 - SANDWICH HOLLOWS GOLF COURSE-WMA-Registration -2023-10-04-Revised



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42226112 River Basin: CAPE COD

Registrant: SANDWICH HOLLOWS GOLF COURSE

Use: Golf

Average Volume per Day (MGD): 0.07 Total Annual Volume (MGY): 21.00

Days of Operation: 300

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Revised: October 4, 2023

Number of registered withdrawal points: 2

Groundwater: 2 Surface water: 0

Source ID	Type	Source Name
WM4126-01G	G	ROUND HILL WELL
WM4126-02G	G	ROUND HILL WELL REPLACEMENT

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	October 4, 2023
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

SANDWICH STATE FISH HATCHERY KEN SIMMONS, MASSWILDLIFE 1 RABBIT HILL ROAD WESTBOROUGH, MA 01581

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42226113 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/SANDWICH-# 42226113-SANDWICH STATE FISH HATCHERY- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Water Withdrawals Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, as applicable.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.

Many Registrants also hold Water Management Act permits. If the Registrant holds a Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42226113 River Basin: CAPE COD

Registrant: SANDWICH STATE FISH HATCHERY

Use: Fish Hatchery

Average Volume per Day (MGD): 2.05 Total Annual Volume (MGY): 748.25

Days of Operation: 365

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 5
Groundwater: 5
Surface water: 0

Source ID	<b>Type</b>	Source Name
WM4666-01G	G	Well #1
WM4666-02G	G	Well #2
WM4666-03G	G	Well #3
WM4666-04G	G	Well #4
WM4666-05G	G	Well Points

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 4. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 5. Registration Renewal

This Registration Statement is effective from April 8, 2023, and expires on April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 6. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

A copy of this Registration Statement shall be included with a Notice of Claim. The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

SCITUATE DPW WATER DIVISION 4 OLD OAKEN BUCKET ROAD SCITUATE, MA 02066

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42126401 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/SCITUATE-# 42126401-SCITUATE DPW WATER DIVISION- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42126401 River Basin: SOUTH COASTAL

Registrant: SCITUATE DPW WATER DIVISION

Use: Public Water Supply

Average Volume per Day (MGD): 1.49 Total Annual Volume (MGY): 543.85

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 7

Groundwater: 6 Surface water: 1

Source ID	<b>Type</b>	Source Name
4264000-01G	G	WELL #10 WEBSTERS MEADOW
4264000-01S	S	Old Oaken Bucket Pond
4264000-02G	G	WELL #11 WEBSTERS MEADOW
4264000-03G	G	WELL #17A STEARN MEADOW
4264000-05G	G	<b>WELL #19 EDISON STATION</b>
4264000-12G	G	WELL 18B BOSTON SAND
4264000-13G	G	WELL 22R

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that **holds a permit that does not include conditions on restricting nonessential outdoor water use** must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

HATHERLY COUNTRY CLUB P O BOX 449 NORTH SCITUATE, MA 02060

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #V42126402 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Katheen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/NORTH SCITUATE-#V42126402 - HATHERLY COUNTRY CLUB-WMA-Registration -2023-04-06



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

 $<sup>^1</sup>$  The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: V42126402 River Basin: SOUTH COASTAL

Registrant: HATHERLY COUNTRY CLUB

Use: Golf

Average Volume per Day (MGD): 0.05 Total Annual Volume (MGY): 9.00

Days of Operation: 180

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 1 Surface water: 0

Source IDTypeSource NameWM4040-01GGPUMP HOUSE #2

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023
Kathleen Baskin, Assistant Commissioner	Date
Bureau of Water Resources	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

FOUR TOWN FARM INC 90 GEORGE STREET SEEKONK, MA 02771

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42626501 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/SEEKONK -# 42626501 - FOUR TOWN FARM INC- WMA-Registration -2023-/04-/06



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Water Withdrawals Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, as applicable.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.

Many Registrants also hold Water Management Act permits. If the Registrant holds a Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42626501 River Basin: NARRAGANSET BAY

Registrant: FOUR TOWN FARM INC

Use: Agriculture

Average Volume per Day (MGD): 0.07 To

Days of Operation: 210

Total Annual Volume (MGY): 14.07

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 4

Groundwater: 3 Surface water: 1

Source ID	<b>Type</b>	<b>Source Name</b>
WM4456-01G	G	WELL 1
WM4456-01S	S	RESERVOIR
WM4456-02G	G	WELL 3
WM4456-03G	G	WELL 2

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 4. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 5. Registration Renewal

This Registration Statement is effective from April 8, 2023, and expires on April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 6. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

A copy of this Registration Statement shall be included with a Notice of Claim. The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

SEEKONK WATER DISTRICT P O BOX 97 50 WATER LANE SEEKONK, MA 02771

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42726501 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/SEEKONK-# 42726501-SEEKONK WATER DISTRICT- WMA-Registration -2023-04-06



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42726501 River Basin: TEN MILE

Registrant: SEEKONK WATER DISTRICT

Use: Public Water Supply

Average Volume per Day (MGD): 1.35 Total Annual Volume (MGY): 493.50

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 4

Groundwater: 4 Surface water: 0

Source ID	<u>Type</u>	Source Name
4265000-02G	G	NEWMAN WELL #1
4265000-04G	G	NEWMAN WELL #3
4265000-07G	G	BROWN AVE. REPLACEMENT
4265000-08G	G	NEWMAN GP WELL 2R

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

LEDGEMONT COUNTRY CLUB 131 BROWN AVENUE SEEKONK, MA 02771

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42726502 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/ SEEKONK-#42726502 - LEDGEMONT COUNTRY CLUB-WMA-Registration -2023-04-06



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42726502 River Basin: TEN MILE

Registrant: LEDGEMONT COUNTRY CLUB

Use: Golf

Average Volume per Day (MGD): 0.09 Total Annual Volume (MGY): 19.26

Days of Operation: 214

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 1 Surface water: 1

Source ID	<u>Type</u>	Source Name
WM4386-01G	G	COUNTRY CLUB WELL
WM4386-01S	S	COUNTRY CLUB RESERVIOR

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

### 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner	Date	
Duragu of Water Descuraes		



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

SPRING VALLEY COUNTRY CLUB 25 TIOT STREET SHARON, MA 02067

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #41926602 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Katheen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/SHARON-#41926602 - SPRING VALLEY COUNTRY CLUB-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

 $<sup>^1</sup>$  The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

## **GENERAL INFORMATION**

Registration Number: 41926602 River Basin: BOSTON HARBOR

Registrant: SPRING VALLEY COUNTRY CLUB

Use: Golf

Average Volume per Day (MGD): 0.18 Total Annual Volume (MGY): 44.10

Days of Operation: 245

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 1 Surface water: 1

Source ID	<b>Type</b>	Source Name	
WM3891-01G	G	WELL #1	
WM3891-01S	S	C-1	

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

## 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

## 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023
Kathleen Baskin, Assistant Commissioner	Date
Bureau of Water Resources	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

SHARON WATER DEPARTMENT 217 REAR SOUTH MAIN STREET PO BOX 517 SHARON, MA 02067

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 41926603 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/SHARON-# 41926603-SHARON WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

## **GENERAL INFORMATION**

Registration Number: 41926603 River Basin: BOSTON HARBOR

Registrant: SHARON WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 0.55 Total Annual Volume (MGY): 200.75

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 3

Groundwater: 3 Surface water: 0

Source ID	<b>Type</b>	Source Name
4266000-01G	$\overline{G}$	STATION #2
4266000-02G	G	STATION #3
4266000-03G	G	STATION #4

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

SHARON WATER DEPARTMENT P O BOX 517 217 REAR SOUTH MAIN STREET SHARON, MA 02067

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42526601 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/SHARON-# 42526601-SHARON WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42526601 River Basin: TAUNTON

Registrant: SHARON WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 0.55 Total Annual Volume (MGY): 200.75

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 2 Surface water: 0

Source ID	<b>Type</b>	Source Name
4266000-04G	G	STATION #5
4266000-05G	G	STATION #6

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

SOMERSET WATER DEPARTMENT 3249 COUNTY STREET SOMERSET, MA 02726

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42527301 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleer M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/SOMERSET-# 42527301-SOMERSET WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

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Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42527301 River Basin: TAUNTON

Registrant: SOMERSET WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 2.81 Total Annual Volume (MGY): 1025.65

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 3

Groundwater: 1 Surface water: 2

Source ID	<b>Type</b>	Source Name
4273000-01S	S	SOMERSET RESERVOIR
4273000-02S	S	SEGREGANSETT RIVER
4273000-05G	G	G.P. WELL #2 Replacement

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023		
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date		



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

STOUGHTON DPW WATER DIVISION 950 CENTRAL STREET STOUGHTON, MA 02072-1803

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 41928502 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/STOUGHTON-# 41928502-STOUGHTON DPW WATER DIVISION- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 41928502 River Basin: BOSTON HARBOR

Registrant: STOUGHTON DPW WATER DIVISION

Use: Public Water Supply

Average Volume per Day (MGD): 1.08 Total Annual Volume (MGY): 395.51

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 2 Surface water: 0

Source ID	<b>Type</b>	Source Name		
4285000-05G	$\overline{G}$	MUDDY POND		
4285000-08G	G	HARRIS POND WELL		

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023		
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date		



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

STOUGHTON DPW WATER DIVISION 950 CENTRAL STREET STOUGHTON, MA 02072-1840

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42528502 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleer M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/STOUGHTON-# 42528502-STOUGHTON DPW WATER DIVISION- WMA-Registration -2023-04-06



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### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

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The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

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Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42528502 River Basin: TAUNTON

Registrant: STOUGHTON DPW WATER DIVISION

Use: Public Water Supply

Average Volume per Day (MGD): 1.14 Total Annual Volume (MGY): 416.11

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 3

Groundwater: 3 Surface water: 0

Source ID	<b>Type</b>	Source Name
4285000-02G	G	Fennel Well
4285000-03G	G	McNamara Well
4285000-04G	G	Gurney Well

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023		
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date		



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

BRISTOL COUNTY WATER AUTHORITY PO BOX 447 WARREN, RI 02885-0447

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42624705 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleer M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/SWANSEA-# 42624705-BRISTOL COUNTY WATER AUTHORITY- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42624705 River Basin: NARRAGANSET BAY

Registrant: BRISTOL COUNTY WATER AUTHORITY

Use: Public Water Supply

Average Volume per Day (MGD): 2.70 Total Annual Volume (MGY): 985.50

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 3

Groundwater: 0 Surface water: 3

Source ID	<b>Type</b>	Source Name
WM4462-01S	$\overline{\mathbf{S}}$	ANAWAN RESERVOIR
WM4462-02S	S	SWANSEA RESERVOIR
WM4462-03S	S	SHAD FACTORY RESERVOIR

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023		
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date		



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

SWANSEA WATER DISTRICT 700 WILBUR AVENUE SWANSEA, MA 02777

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42629201 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen Baskin

Assistant Commissioner
Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/SWANSEA-# 42629201-SWANSEA WATER DISTRICT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42629201 River Basin: NARRAGANSET BAY

Registrant: SWANSEA WATER DISTRICT

Use: Public Water Supply

Average Volume per Day (MGD): 1.02 Total Annual Volume (MGY): 372.30

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 11

Groundwater: 11 Surface water: 0

Source ID	<b>Type</b>	Source Name
4292000-01G	$\overline{\mathbf{G}}$	MIDWOOD FIELD PUMP STA #1
4292000-02G	G	MIDWOOD FIELD PUMP STA #2
4292000-03G	G	MIDWOOD DRIVE PUMP STA #3
4292000-04G	G	MAKER FIELD PUMP STA #4
4292000-05G	G	MAKER FIELD PUMP STA.#5
4292000-06G	G	VINNICUM PUMP STATION #6
4292000-07G	G	<b>BORGE PUMPING STATION #7</b>
4292000-08G	G	HORNBINE PUMP STATION #8
4292000-09G	G	VINNICUM PUMP STA. #9
4292000-10G	G	VINNICUM PUMP STATION #10
4292000-11G	G	BORGE FIELD PUMP STA. #11

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

HARODITE INDUSTRIES INC 66 SOUTH STREET TAUNTON, MA 02780-4357

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42507602 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleer M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/TAUNTON-# 42507602-HARODITE INDUSTRIES INC- WMA-Registration -2023/04/06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Water Withdrawals Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, as applicable.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.

Many Registrants also hold Water Management Act permits. If the Registrant holds a Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42507602 River Basin: TAUNTON

Registrant: HARODITE INDUSTRIES INC

Use: Industry

Average Volume per Day (MGD): 0.16 Total Annual Volume (MGY): 58.40

Days of Operation: 365

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 3
Groundwater: 2 Surface water: 1

Source ID	<u>Type</u>	Source Name
WM4477-01G	G	WELL #1
WM4477-01S	S	THREEMILE RIVER
WM4477-02G	G	WELL #2

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 4. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 5. Registration Renewal

This Registration Statement is effective from April 8, 2023, and expires on April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 6. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

A copy of this Registration Statement shall be included with a Notice of Claim. The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

TAUNTON WATER DEPARTMENT 15 SUMMER STREET CITY HALL TAUNTON. MA 02780

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42529302 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/TAUNTON-# 42529302-TAUNTON WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42529302 River Basin: TAUNTON

Registrant: TAUNTON WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 5.87 Total Annual Volume (MGY): 2142.55

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 0 Surface water: 1

Source ID 4293000-02S Type Source Name Elders Pond

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that **holds a permit that does not include conditions on restricting nonessential outdoor water use** must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

TISBURY WATER WORKS P O BOX 84 VINEYARD HAVEN, MA 02568

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42329602 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/Registration Statement/VINEYARD HAVEN-# 42329602-TISBURY WATER WORKS- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



### Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

#### **GENERAL INFORMATION**

Registration Number: 42329602 River Basin: ISLANDS

Registrant: TISBURY WATER WORKS

Use: Public Water Supply

Average Volume per Day (MGD): 0.55 Total Annual Volume (MGY): 200.75

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 2 Surface water: 0

Source ID	<b>Type</b>	Source Name
4296000-01G	$\overline{G}$	SANBORN WELL #1
4296000-02G	G	TASHMOO WELL #2

#### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

#### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that **holds a permit that does not include conditions on restricting nonessential outdoor water use** must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

#### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

#### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

#### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

MINK MEADOWS GOLF CLUB 455 STATE RD PMB 254 TISBURY, MA 02568

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42329603 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/ VINEYARD HAVEN-#42329603 - MINK MEADOWS GOLF CLUB-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

 $<sup>^1</sup>$  The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

## **GENERAL INFORMATION**

Registration Number: 42329603 River Basin: ISLANDS

Registrant: MINK MEADOWS GOLF CLUB

Use: Golf

Average Volume per Day (MGD): 0.07 Total Annual Volume (MGY): 17.99

Days of Operation: 244

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 3

Groundwater: 3 Surface water: 0

Source ID	<b>Type</b>	Source Name
WM4136-01G	G	WELL AT MINK MEADOWS
WM4136-02G	G	Well No. 2
WM4136-03G	G	Well No. 3

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

## 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

## 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

## 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner	Date	
Bureau of Water Resources		



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor

Bonnie Heiple Commissioner

April 6, 2023

WALPOLE SEWER & WATER DEPARTMENT 135 SCHOOL STREET WALPOLE, MA 02081

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 41930701 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/WALPOLE-# 41930701-WALPOLE SEWER & WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. See 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (see 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

## **GENERAL INFORMATION**

Registration Number: 41930701 River Basin: BOSTON HARBOR

Registrant: WALPOLE SEWER & WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 2.25 Total Annual Volume (MGY): 821.25

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 13

Groundwater: 13 Surface water: 0

Source ID	<b>Type</b>	Source Name
4307000-01G	G	MINE BROOK #1
4307000-02G	G	MINE BROOK #2
4307000-03G	G	MINE BROOK #3
4307000-09G	G	WASHINGTON WELL #6
4307000-14G	G	WASHINGTON WELL 4A
4307000-15G	G	WASHINGTON WELL 4B
4307000-16G	G	MINE BROOK #1A
4307000-17G	G	MINE BROOK #2A
4307000-18G	G	MINE BROOK #3A
4307000-20G	G	WASHINGTON ST WELL 2A
4307000-21G	G	WASHINGTON ST WELL 2B
4307000-22G	G	WASHINGTON ST WELL 3A
4307000-23G	G	WASHINGTON ST WELL 3B

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

## 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

## **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleer M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

HOLLINGSWORTH & VOSE COMPANY PO BOX 168 TAUNTON, MA 02780

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 41930702 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/WALPOLE-# 41930702-HOLLINGSWORTH & VOSE COMPANY- WMA-Registration -2023/04/06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement For Water Withdrawals Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, as applicable.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.

Many Registrants also hold Water Management Act permits. If the Registrant holds a Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

## **GENERAL INFORMATION**

Registration Number: 41930702 River Basin: BOSTON HARBOR

Registrant: HOLLINGSWORTH & VOSE COMPANY

Use: Industry

Average Volume per Day (MGD): 1.02 Total Annual Volume (MGY): 373.80

Days of Operation: 365

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1 Groundwater: 0 Surface water: 1

Source IDTypeSource NameWM3877-01SSNEPONSET RIVER

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

## 3. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

## 4. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 5. Registration Renewal

This Registration Statement is effective from April 8, 2023, and expires on April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

## 6. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

A copy of this Registration Statement shall be included with a Notice of Claim. The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

WAREHAM FIRE DISTRICT 2550 CRANBERRY HIGHWAY WAREHAM, MA 02571

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42431012 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleer M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/WAREHAM-# 42431012-WAREHAM FIRE DISTRICT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

## **GENERAL INFORMATION**

Registration Number: 42431012 River Basin: BUZZARDS BAY

Registrant: WAREHAM FIRE DISTRICT

Use: Public Water Supply

Average Volume per Day (MGD): 1.31 Total Annual Volume (MGY): 477.50

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 5

Groundwater: 5 Surface water: 0

Source ID	<b>Type</b>	Source Name
4310000-01G	G	MAPLE SPRING WELL #1
4310000-02G	G	MAPLE SPRING WELL #2
4310000-03G	G	MAPLE SPRING WELL #3
4310000-04G	G	MAPLE SPRING WELL #4
4310000-06G	G	SEAWOOD SPRINGS WELL #6

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

## 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

ONSET FIRE DISTRICT P.O. BOX 171 ONSET, MA 02558

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42431031 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen Baskin

Kathleen M Baskin

Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/ONSET-# 42431031-ONSET FIRE DISTRICT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42431031 River Basin: BUZZARDS BAY

Registrant: ONSET FIRE DISTRICT

Use: Public Water Supply

Average Volume per Day (MGD): 0.50 Total Annual Volume (MGY): 181.40

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 3

Groundwater: 2 Surface water: 1

Source ID	<u>Type</u>	Source Name
4310003-01G	G	WELL #4
4310003-01S	S	SAND POND/STATION 1
4310003-02G	G	WELL #3

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

WEST BRIDGEWATER WATER DEPARTMENT 29 CYR STREET WEST BRIDGEWATER, MA 02379

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42532201 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen Baskin

Kathleen M Baskin

Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/WEST BRIDGEWATER-# 42532201-WEST BRIDGEWATER WATER DEPARTMENT- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42532201 River Basin: TAUNTON

Registrant: WEST BRIDGEWATER WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 0.73 Total Annual Volume (MGY): 266.45

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 5

Groundwater: 5 Surface water: 0

Source ID	<b>Type</b>	Source Name
4322000-01G	G	Cyr #1
4322000-02G	G	Norman #2
4322000-04G	G	Station 4, Cyr #4
4322000-06G	G	Manley St TP, Well #3A
4322000-07G	G	Manley St 05T Well #3B

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

April 7, 2023

WEYMOUTH DEPARTMENT OF PUBLIC WORKS 120 WINTER STREET WEYMOUTH, MA 02188

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 41933601 for 2023-2033.

On April 1, 2023, the Registrant expressed an interest in modifying the volume of the withdrawal in its Registration Statement but did not submit a formal request for this modification. The Department has not had sufficient time to evaluate this proposal before the expiration of the 2007 Registration Statement. Therefore, the Department is issuing a renewal Registration Statement based on the renewal application submitted on May 26, 2021. Changes were made to the Registration Statement removing Whitmans Pond (03S) as a withdrawal point and renaming 02S to Whitmans Pond at Washington Street. The Registrant may pursue any further modification of this Registration Statement by submitting a request for modification to the Department. Please submit any supporting information you would like the Department to consider when evaluating the request for modification.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleer M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/WEYMOUTH-# 41933601-WEYMOUTH DEPARTMENT OF PUBLIC WORKS- WMA-Registration - 2023-04-07



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (see 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 41933601 River Basin: BOSTON HARBOR

Registrant: WEYMOUTH DEPARTMENT OF PUBLIC WORKS

Use: Public Water Supply

Average Volume per Day (MGD): 4.51 Total Annual Volume (MGY): 1646.15

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 6

Groundwater: 4 Surface water: 2

Source ID	<b>Type</b>	Source Name
4336000-01G	G	CIRCUIT AVENUE
4336000-01S	S	WEYMOUTH GREAT POND
4336000-02G	G	MAIN STREET WELL
4336000-02S	S	WHITMANS POND AT WASHINGTON STREET
4336000-05G	G	WINTER STREET WELL #2
4336000-06G	G	LIBBEY WELL

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

## 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

## **6. Effect On Any Pending And Future Actions**

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 7, 2023	
Kathleen Baskin, Assistant Commissioner	Date	
Bureau of Water Resources		



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

RIDDER FARM INCORPORATED BOX 310 WHITMAN, MA 02382

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42533801 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/WHITMAN-#42533801 - RIDDER FARM INCORPORATED-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

## **GENERAL INFORMATION**

Registration Number: 42533801 River Basin: TAUNTON

Registrant: RIDDER FARM INCORPORATED

Use: Golf

Average Volume per Day (MGD): 0.09 Total Annual Volume (MGY): 13.55

Days of Operation: 150

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 0 Surface water: 2

Source ID	<b>Type</b>	Source Name
WM3958-01S	S	6th Tee Pond
WM3958-02S	S	15th Tee Pond

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

#### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

## 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

## 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023
Kathleen Baskin, Assistant Commissioner	Date
Bureau of Water Resources	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

BIG APPLE REALTY TRUST 207 ARNOLD STREET WRENTHAM, MA 02093

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #41235001 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/WRENTHAM -# 41235001 - BIG APPLE REALTY TRUST- WMA-Registration -2023-/04-/06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement For Water Withdrawals Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, as applicable.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.

Many Registrants also hold Water Management Act permits. If the Registrant holds a Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 41235001 River Basin: BLACKSTONE

Registrant: BIG APPLE REALTY TRUST

Use: Agriculture

Average Volume per Day (MGD): 0.08

Days of Operation: 365

Total Annual Volume (MGY): 29.20

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 6

Groundwater: 2 Surface water: 4

Source ID	<b>Type</b>	Source Name
WM4559-01G	G	WELL A
WM4559-01S	S	POND A
WM4559-02G	G	WELL B
WM4559-02S	S	POND B
WM4559-03S	S	POND C
WM4559-04S	S	POND D

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

### 3. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

### 4. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 5. Registration Renewal

This Registration Statement is effective from April 8, 2023, and expires on April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 6. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

A copy of this Registration Statement shall be included with a Notice of Claim. The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

WRENTHAM DPW WATER DIVISION P.O. BOX 658 WRENTHAM, MA 02093

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42035001 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleer M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/Registration
Statement/WRENTHAM-# 42035001-WRENTHAM DPW WATER DIVISION- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Lieutenant Governor

Kimberley Driscoll

Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42035001 River Basin: CHARLES

Registrant: WRENTHAM DPW WATER DIVISION

Use: Public Water Supply

Average Volume per Day (MGD): 0.46 Total Annual Volume (MGY): 167.90

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 2 Surface water: 0

Source ID	<u>Type</u>	Source Name
4350000-03G	G	GP WELL #2
4350000-04G	G	GP WELL #3

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

WRENTHAM DEVELOPMENTAL CENTER PO BOX 144 WRENTHAM, MA 02093

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42035002 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen Baskin

Kathleen M Baskin

Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration
Statement/WRENTHAM-# 42035002-WRENTHAM DEVELOPMENTAL CENTER- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42035002 River Basin: CHARLES

Registrant: WRENTHAM DEVELOPMENTAL CENTER

Use: Public Water Supply

Average Volume per Day (MGD): 0.30 Total Annual Volume (MGY): 109.50

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 3

Groundwater: 3 Surface water: 0

Source ID	<b>Type</b>	Source Name
4350001-01G	$\overline{G}$	EVERETT ST WELLFIELD
4350001-02G	G	NORFOLK WELL 1
4350001-03G	G	NORFOLK WELL 2

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

WRENTHAM DPW WATER DIVISION P.O. BOX 658 WRENTHAM, MA 02093

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement # 42535001 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/Registration
Statement/WRENTHAM-# 42535001-WRENTHAM DPW WATER DIVISION- WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

### **GENERAL INFORMATION**

Registration Number: 42535001 River Basin: TAUNTON

Registrant: WRENTHAM DPW WATER DIVISION

Use: Public Water Supply

Average Volume per Day (MGD): 0.38 Total Annual Volume (MGY): 138.70

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 1 Surface water: 0

Source ID Type Source Name 4350000-02G G WELL #4

### **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

### 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

Nonessential Outdoor Water Use means a use that is not required:

(a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

### Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

### 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

### 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

#### 6. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

### 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

### 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

#### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless

such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner Bureau of Water Resources	Date	



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

BLUE ROCK GOLF COURSE 48 TODD RD SOUTH YARMOUTH, MA 02664

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42235101 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleer M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/SOUTH YARMOUTH-#42235101 - BLUE ROCK GOLF COURSE-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

 $<sup>^1</sup>$  The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

## **GENERAL INFORMATION**

Registration Number: 42235101 River Basin: CAPE COD

Registrant: BLUE ROCK GOLF COURSE

Use: Golf

Average Volume per Day (MGD): 0.17 Total Annual Volume (MGY): 18.27

Days of Operation: 110

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 1 Surface water: 1

Source ID	<u>Type</u>	Source Name
WM4610-01G	G	WELL-BLUE ROCK GOLF COURS
WM4610-01S	S	CAT SWAMP POND

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

## 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

## 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

## 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner	Date	
Bureau of Water Resources		



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

CUMMAQUID GOLF CLUB P O BOX 182 YARMOUTHPORT, MA 02675

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42235102 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Katheen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/YARMOUTH PORT-#42235102 - CUMMAQUID GOLF CLUB-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

#### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

## **GENERAL INFORMATION**

Registration Number: 42235102 River Basin: CAPE COD

Registrant: CUMMAQUID GOLF CLUB

Use: Golf

Average Volume per Day (MGD): 0.10 Total Annual Volume (MGY): 18.00

Days of Operation: 180

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 2

Groundwater: 2 Surface water: 0

Source ID	<b>Type</b>	Source Name
WM4116-01G	G	WELL #2
WM4116-02G	G	WELL #3

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

## 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

## 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

## 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner	Date	
Bureau of Water Resources		



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 6, 2023

TOWN OF YARMOUTH GOLF COURSES 635 WEST YARMOUTH ROAD WEST YARMOUTH, MA 02673

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The Water Management Act Registrant Statement #42235105 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Katheen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/SOUTH YARMOUTH-#42235105 - TOWN OF YARMOUTH GOLF COURSES-WMA-Registration -2023-04-06



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement For Golf Course Water Use Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn, including replacement wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, you shall comply with the following restrictions on nonessential outdoor water use when such restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c)2. are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for Water Management Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) Level 2 (Significant Drought): irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. *See* 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

### RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of raw water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

## **GENERAL INFORMATION**

Registration Number: 42235105 River Basin: CAPE COD

Registrant: TOWN OF YARMOUTH GOLF COURSES

Use: Golf

Average Volume per Day (MGD): 0.12 Total Annual Volume (MGY): 22.21

Days of Operation: 180

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Number of registered withdrawal points: 1

Groundwater: 0 Surface water: 1

Source IDTypeSource NameWM4119-01SSTURTLE POND

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions, provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede the corresponding conditions in this Registration Statement.

### 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Report Form it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times Of Drought:

The Registrant shall implement limits on nonessential outdoor water use when the Secretary of Energy and Environmental Affairs declares a Level-1 Mild Drought or higher for the Drought Region where the Registrant's withdrawals are located, in accordance with 310 CMR 36.07(2)(c).

For withdrawals for the maintenance of golf course greens, tees, fairways, and roughs during a drought declaration by the Secretary for the drought region, county or watershed where the Registrant's withdrawals are located, the Registrant shall comply with the following restrictions on nonessential outdoor water use:

- a) <u>Level 1 (Mild Drought)</u>: irrigation of fairways shall be reduced to 80 percent of normal, irrigation of roughs shall be reduced to 50 percent of normal, and there shall be no irrigation of landscaping and ornamentals.
- b) <u>Level 2 (Significant Drought)</u>: irrigation of fairways shall be reduced to 60 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>: irrigation of fairways shall be reduced to 40 percent of normal, and there shall be no irrigation of roughs, landscaping and ornamentals.

In accordance with 310 CMR 36.07(2)(c), once implemented, restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

If a portion of the Registrant's withdrawal is for non-golf course irrigation purposes and is used to meet the core function of its business as a venue for weddings or similar special events, the Registrant may water by means of a hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants. Such watering is excluded from the definition of Nonessential Outdoor Water Use in 310 CMR 36.03.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at <a href="https://www.mass.gov/dep">www.mass.gov/dep</a> and at <a href="https://www.mass.gov/info-details/drought-status">www.mass.gov/info-details/drought-status</a>.

Registrants shall notify the Department in writing within 14 days of the effective date whenever required Nonessential Water Use Restrictions are implemented or revised in accordance with the Secretary's drought declaration for the drought region, county, or watershed where the withdrawals are located.

The Notification of Water Use Restriction form is found at <a href="https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses">https://www.mass.gov/info-details/outdoor-water-use-restrictions-for-cities-towns-and-golf-courses</a>.

**Note:** Registrants shall comply with Condition 3 provided, however, that if the Registrant holds a **permit that includes conditions on restricting nonessential outdoor water use,** then the conditions in the permit shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on nonessential outdoor water use must comply with Condition 3.

## 4. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

## 5. Effect On Any Pending And Future Actions

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## **6. Registration Renewal**

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

## 7. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the

notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 6, 2023	
Kathleen Baskin, Assistant Commissioner	Date	
Bureau of Water Resources		



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor Rebecca L. Tepper Secretary

Kimberley Driscoll Lieutenant Governor Bonnie Heiple Commissioner

April 15, 2025

YARMOUTH WATER DEPARTMENT 99 BUCK ISLAND ROAD YARMOUTH, MA 02675

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2023-2033; and
- The REVISED Water Management Act Registrant Statement # 42235106 for 2023-2033.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at <u>duane.levangie@mass.gov</u> or (617) 780-1962 or Beth McCann at <u>elizabeth.mccann@mass.gov</u> or (857) 262-3205.

Sincerely,

Kathleen M Baskin

Kathleen Baskin Assistant Commissioner Bureau of Water Resources

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

https://massgov.sharepoint.com/sites/DEP-BWR/DWP WMA/Registration Renewal 2023/ Registration Statement/YARMOUTH-# 42235106-YARMOUTH WATER DEPARTMENT- WMA-Registration -2025-04-15-REVISED



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor

Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## Massachusetts Water Management Act Registration Statement for Public Water Suppliers Summary of Content and Conditions for 2023-2033<sup>1</sup>

This summary of the content and conditions of the enclosed renewed Water Management Act (WMA) Registration Statement is not intended to, and should not be construed as, modifying any of the content and conditions. In the event of any ambiguity between this summary and the actual content and conditions, the Registration Statement language shall control.

The enclosed renewed Registration Statement authorizes continued withdrawals from April 8, 2023 through April 7, 2033. This Registration Statement reflects your documented water withdrawals from January 1, 1981, through December 31, 1985, and the source locations from which this water is withdrawn, including replacement and satellite wells. Water Management Act Program registrants have the ability to renew their Registration Statement every ten years (310 CMR 36.10). You filed a timely Registration Renewal Request on forms provided by the Department, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

The Department has updated all Registration Statements to include replacement wells and/or satellite wells, if applicable.

The Water Management Regulations were amended on January 20, 2023, to allow Registration Statements to be conditioned to restrict nonessential outdoor water uses during droughts declared by the Secretary of Energy and Environmental Affairs. *See* 310 CMR 36.07(2)(c). In accordance with the condition contained in your Registration Statement, implementation of restrictions on nonessential outdoor water use by each affected registrant shall begin as soon as possible, but no later than 24 months after issuance of the Registration Statement. The restrictions are triggered by the Secretary's drought declaration for the drought region, county, or watershed where your withdrawals are located. The nonessential outdoor water use restrictions that the Department is including in your Registration Statement pursuant to 310 CMR 36.07(2)(c), are summarized as follows:

<sup>&</sup>lt;sup>1</sup> The expiration date for WMA Registration Statements in effect from 1/1/2008 through 12/31/2017 was extended:

<sup>•</sup> by 4 years by Chapter 240 of the Acts of 2010, as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act; and

<sup>•</sup> by 462 days by the 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.

- a) Level 1 (Mild Drought): All nonessential outdoor water uses are restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held house or watering cans may be permitted.
- b) Level 2 (Significant Drought): All nonessential outdoor water uses are banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-hold hose or watering cans may be permitted.
- c) Level 3 (Critical Drought) or Level 4 (Drought Emergency): All nonessential outdoor water uses are banned.
- d) Restrictions on nonessential outdoor water use at least as restrictive as described in (a) through (c) above shall remain in place for the respective declared drought level where your withdrawals are located until the drought level is changed by the Secretary.

Note that Public Water Systems that are supplied entirely by reservoirs with multi-year storage (as defined at 310 CMR 36.03) have the option of developing a system-specific Drought Management Plan instead of following the restrictions described above and at 310 CMR 36.07(2)(c)1. Such plans must meet the criteria in the regulations (*see* 310 CMR 36.07(2)(c)3.) and be accepted by the Department in order for the Public Water Systems to implement nonessential water use restrictions consistent with their plan instead of the restrictions described above.

You shall comply with all the conditions in the Registration Statement, provided, however, that **if** you also hold a Water Management Act permit that includes conditions requiring you to restrict nonessential outdoor water use, then the conditions in your permit, including all applicable deadlines for implementation, supersede the condition in this Registration Statement requiring you to implement restrictions on nonessential outdoor water use. See 310 CMR 36.07(2)(c)6.

If you also hold a Water Management Act permit that does <u>not</u> include conditions requiring you to restrict nonessential outdoor water use, you must comply with the condition on restricting nonessential outdoor water use in this Registration Statement.

All registrants shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*, and all other applicable state and federal laws.



## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

## RENEWAL REGISTRATION STATEMENT FOR VERIFIED WATER WITHDRAWAL

The Massachusetts Department of Environmental Protection ("the Department") hereby accepts the Registration Renewal Request filed by the following Registrant pursuant to 310 CMR 36.10 for the water withdrawal described below. The Registrant is hereby authorized to withdraw up to the registered volume of water from the registered withdrawal point(s) until the expiration date, as set forth below, in compliance with M.G.L. c. 21G and 310 CMR 36.00, subject to the Registration Conditions set forth below.

## **GENERAL INFORMATION**

Registration Number: 42235106 River Basin: CAPE COD

Registrant: YARMOUTH WATER DEPARTMENT

Use: Public Water Supply

Average Volume per Day (MGD): 3.03 Total Annual Volume (MGY): 1105.95

Days of Operation: 365 days

Effective Date: April 8, 2023 Expiration Date: April 7, 2033

Revised: April 15, 2025

Number of registered withdrawal points: 22

Groundwater: 22 Surface water: 0

<u>Type</u>	Source Name
G	MAIN STATION GP Well #1M
G	G.P. WELL #1
G	G.P. WELL #2
G	G.P. WELL #3
G	G.P. WELL #4
G	G.P. WELL #5
G	G.P. WELL #6
G	G.P. WELL #7
G	G.P. WELL #8
G	G.P. WELL #9
G	G.P. WELL #10
G	G.P. WELL #11
G	G.P. WELL #13
G	G.P. WELL #14
	G G G G G G G G

Source ID	<b>Type</b>	Source Name
4351000-15G	G	G.P. WELL #15
4351000-16G	G	G.P. WELL #16
4351000-17G	G	G.P. WELL #17
4351000-18G	G	G.P. WELL #18
4351000-19G	G	G.P. WELL #19
4351000-20G	G	G.P. WELL #20
4351000-21G	G	G.P. WELL #21
4351000-22G	G	G.P. WELL #22

## **REGISTRATION CONDITIONS**

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00, 310 CMR 4.00: *Timely Action Schedule and Fee Provisions*<sup>2</sup>, and all other applicable state and federal laws. In addition, the Registrant shall comply with the following conditions provided, however, that if the Registrant holds a currently valid Water Management Act permit, then the conditions in the permit, including all applicable deadlines, shall supersede any corresponding conditions in this Registration Statement.

## 1. Metering:

The Registrant shall install and maintain source meter(s) for each withdrawal point(s). The Registrant shall calibrate all source meter(s) annually.

#### 2. Records:

The Registrant shall maintain withdrawal records in sufficient detail to timely provide the information necessary to accurately complete each Annual Statistical Report (ASR) it files with the Department.

## 3. Nonessential Outdoor Water Use Restrictions During Times of Drought:

Beginning as soon as possible, but no later than 24 months after issuance of the Registration Statement, the Registrant shall establish enforceable restrictions limiting nonessential outdoor water use. Such restrictions shall be in place during a drought declaration by the Secretary of Energy and Environmental Affairs for the drought region, county or watershed where the Registrant's withdrawals are located, and nonessential outdoor water use shall be restricted as follows, in accordance with 310 CMR 36.07(2)(c):

- a) <u>Level 1 (Mild Drought)</u>. All nonessential outdoor water uses restricted to no more than one day per week, before 9 a.m. and after 5 p.m., except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- b) <u>Level 2 (Significant Drought)</u>. All nonessential outdoor water uses banned, except that watering of ornamentals and flower gardens with drip irrigation, hand-held hose or watering cans may be permitted.
- c) <u>Level 3 (Critical Drought) or Level 4 (Drought Emergency)</u>. All nonessential outdoor water uses are banned.

Once implemented, as required by 310 CMR 36.07(2)(c), restrictions at least as restrictive as those above shall remain in place for the declared drought level until the drought level is changed by the Secretary.

<sup>&</sup>lt;sup>2</sup> This includes the requirement to pay an annual compliance assurance fee in accordance with 310 CMR 4.03.

In accordance with 310 CMR 36.07(2)(c)3., if the Registrant only withdraws from surface water supplies with Multi-Year Drought Storage (defined at 310 CMR 36.03), as determined by the Department, the Registrant may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described above. Such registrants shall submit a plan for acceptance within two years of the effective date of this Registration Statement and shall submit an updated plan with each renewal registration request thereafter. See 310 CMR 36.07(2)(c)3. for plan requirements and criteria.

## Nonessential Outdoor Water Use means a use that is not required:

- (a) for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;
- (b) by permit, license, 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 (those functions essential to the commercial operations) of a business, including but not limited to:
  - 1. plant nurseries as necessary to maintain stock;
  - 2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
  - 3. venues used for weddings or similar special events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
  - 4. professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;
- (f) for irrigation of public parks before 9:00 a.m. and after 5:00 p.m.,
- (g) for irrigation of public and private recreation fields, including those operated by schools, colleges, universities, and athletic associations, before 9:00 a.m. and after 5:00 p.m.,
- (h) for irrigation of publicly-funded shade trees and trees in the public right-of-way; or
- (i) to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

The Registration Statement does not confer enforcement authority to the Registrant. In order to enforce the restrictions required by Condition 3, the Registrant must ensure that appropriate enforcement authority that establishes penalties for violations is adopted within 24 months of issuance of this Registration Statement. MassDEP's "DEP Model Outdoor Water Use Bylaw/Ordinance" was updated in May 2018 to help municipalities and water districts implement seasonal water conservation requirements. See <a href="https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update">https://www.mass.gov/service-details/model-water-use-restriction-bylawordinance-update</a>.

Nothing in this Registration Statement shall prevent the Registrant from implementing nonessential outdoor water use restrictions that are more stringent than those set forth at 310 CMR 36.07(2)(c) and contained herein.

## Tracking Drought Status and Reporting Restriction Implementation During Drought

For the most up-to-date information on the drought status in your region, the Registrant should monitor the Department's website at www.mass.gov/dep and at www.mass.gov/info-details/drought-status.

310 CMR 22.15(8) requires that all public water systems establishing mandatory restrictions on water use notify the Department in writing within 14 days of the effective date of such restrictions. Notice must include a description of the regulations, bylaws or ordinances imposing the restriction. Registrants may also be required to document implementation and enforcement of the restrictions in their ASRs.

**Note:** Registrants shall comply with Condition 3, provided, however, that if the Registrant holds **a permit** that includes conditions on restricting nonessential outdoor water use, then the conditions in the permit, including all applicable deadlines for implementation, shall supersede Condition 3.

A Registrant that holds a permit that does not include conditions on restricting nonessential outdoor water use must comply with Condition 3.

## 4. Service Charges

The Registrant shall not charge for water services on a descending unit rate basis (*i.e.*, decreasing block rates). Descending unit rate basis that charges lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

## 5. Annual Reporting

The Registrant shall file an annual statement of withdrawal, as required by 310 CMR 36.11, for each year that this registration is in force, on forms provided and by the deadline specified by the Department. At the request of the Department, the Registrant may be required to report withdrawal volumes monthly or daily in accordance with 310 CMR 36.07.

## **6. Effect On Any Pending And Future Actions**

The withdrawal registration program is intended to provide a procedure and deadline for persons making existing withdrawals above the threshold quantity to file a registration statement with the Department for their existing withdrawals to enable the Department to document baseline water use to manage the surface and groundwater of the Commonwealth. Except as expressly provided herein, this Registration Statement shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any pending administrative or judicial action, or any such future action, including without limitation any pending enforcement action or permit appeal, or any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, or demand that the Department may have with respect to any matter covered by this Registration Statement.

## 7. Registration Renewal

This Registration Statement is effective from April 8, 2023, through the expiration date of April 7, 2033. Failure to file a registration renewal request in accordance with 310 CMR 36.10 shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Registration Statement until a permit for such withdrawal has been obtained from the Department.

## 8. Registration Transfer

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Registration Statement may be transferred, in whole or in part, by the Registrant to another person if (1) the Department is notified of the proposed transfer at least 30 days in advance of the proposed transfer date, (2) the notice includes a written agreement between the parties to the transfer and a certification by the transferee, as specified by and in accordance with 310 CMR 36.09, (3) the notice provides the date that the proposed transfer is to take place, and (4) the notice describes the registration to be transferred. A transfer request must be accompanied by the applicable fee established in 310 CMR 4.00. This Registration Statement shall be surrendered to the Department upon transfer.

## **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.00 within twenty-one (21) days of its receipt of this Registration Statement. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Registration Statement shall be included with a Notice of Claim. No request for an appeal of this Registration Statement shall be validly filed unless a copy of the request is sent at the same time 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 Registrant, unless such person notifies the Registrant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9<sup>th</sup> floor
Boston, MA 02114

In addition, the Department's fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

Commonwealth of Massachusetts Lock Box Department of Environmental Protection P.O. Box 4062 Boston, MA 02211

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Kathleen M Baskin	April 15, 2025
Kathleen Baskin, Assistant Commissioner	Date
Bureau of Water Resources	