



**MassDEP**

# **WSCAC Meeting**

**February 14, 2023**

**Original Audience**

**Water Resources Commission**

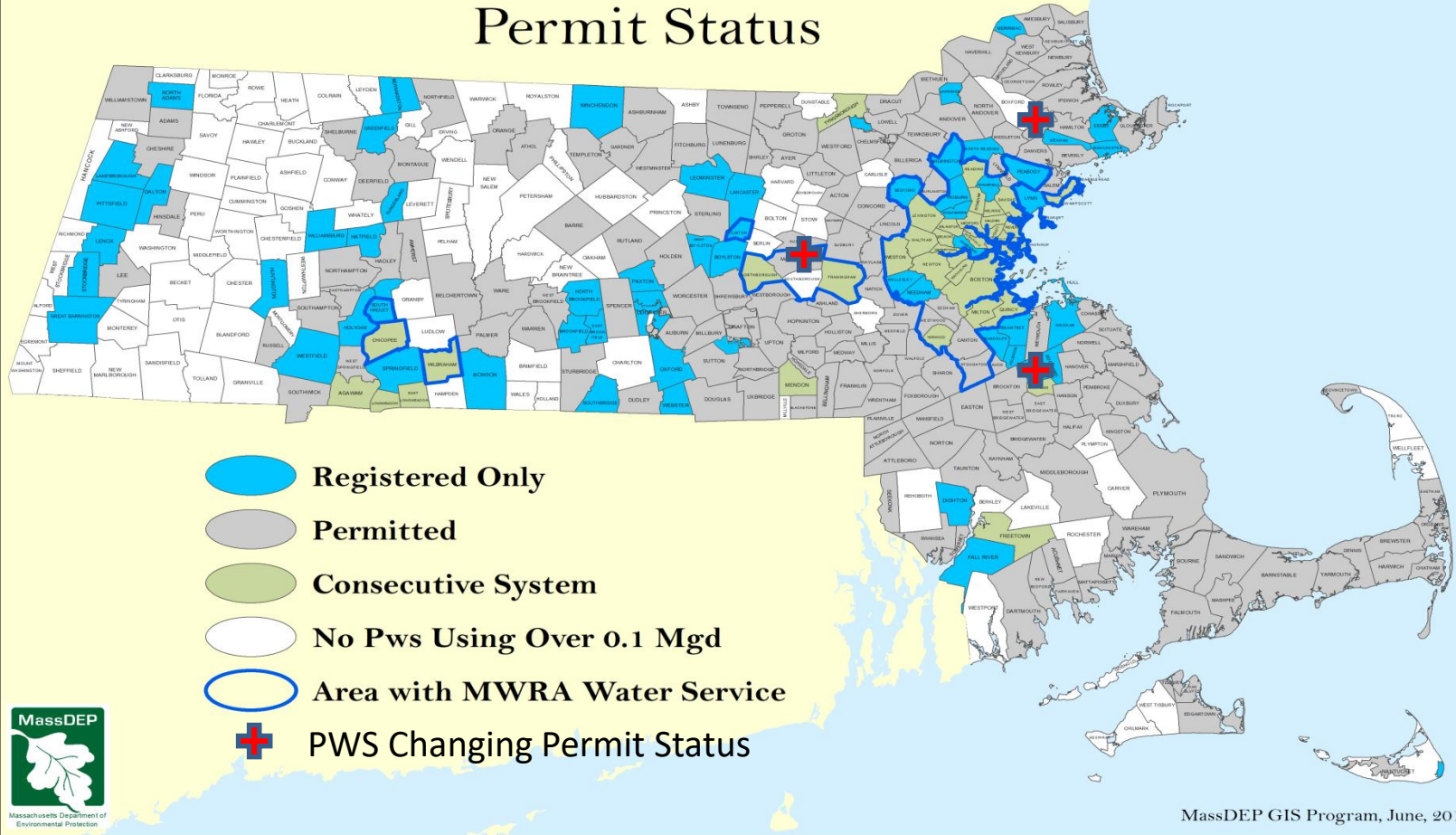
**Water Management Act**







**Regulations (310 CMR 36.00)**

**Revisions**

**January 3, 2023**

# WMA Registration and Permit Status



-  **Registered Only**
-  **Permitted**
-  **Consecutive System**
-  **No Pws Using Over 0.1 Mgd**
-  **Area with MWRA Water Service**
-  **PWS Changing Permit Status**



MassDEP GIS Program, June, 2019

## Number of Registered only PWS (based on July 2022 Permit Status)

Western Region	Central Region	Northeast Region	Southeast Region
22 + MWRA	17 + MWRA	19	5

# Proposed Regulation Revisions

## 310 CMR 36.00

- Two definitions
  - Multi-Year Drought Storage
  - Nonessential Outdoor Water
- 36.07 Registration Conditions
- 36.17 Effective Dates and Expiration Dates for Permitting by Water Source
- 36.43 Orders, Violations and Penalties



# Registration Renewal Proposal

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

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

# Alternative Restrictions Criteria

- PWS registered-only systems supplied entirely by surface water reservoirs
- Multiple years of Reservoir Storage plus any required releases
  - Number of years of storage
  - Useable Reservoir Storage



# Drought Management Plan Elements

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

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





# Golf Conditions

87 Registered  
vs.  
62 permitted

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

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

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

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

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

# Public Process

- Part One-2021
  - 1/21 & 2/25 WMA Stakeholder Mtgs
  - 6/11 to 7/26 Public Comment Period
  - 7/7 & 7/16 Public Hearings
  - 7/8 WRC Mtg
- Part Two-2022
  - 6/29 & 7/13 & 10/25 Advisory Committee Mtgs
  - 10/5 to 11/18 Public Comment Period
  - 10/27 & 10/28 Public Hearings
  - 10/13/2022 & 1/3/2023 WRC Mtg



# Comments Part 1 (2021) & 2 (2022)

## 2021 Comments Received

- 364 Commenters
  - 17 PWS
  - 20 Organizations
  - 1 Legislator
  - 42 Individual Residents
  - 284 Emails

## 2022 Comments Received

- 524 Commenters
  - 19 PWS
  - 31 Organizations
  - 6 Legislators
  - 61 Individual Residents
  - 407 Emails

# Summary of Changes from Draft to Final

- **More details in the definition of Nonessential Outdoor Water Use**
  - Ballfield and Park Watering
    - including schools, colleges, universities and athletic associations
    - Hourly limits
  - Splash Pads
  - Street Trees
  - Marina
- **“Multi-Year Drought Storage” criteria for developing a system-specific analysis**
  - Needed Storage Volumes
  - Emergency Sources
- **Process for developing nonessential use restrictions based on accepted Drought Management Plan (DMP)**

# Change from Draft to Final: Nonessential Water Use Updates December 2022

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.

# Change from Draft to Final: Multi-Year Drought Storage Definition December 2022

Multi-Year Drought Storage means a registrant's reservoir capacity, as determined by the Department, of not less than ~~two~~ ~~three~~ times the sum of a registrant's authorized withdrawal and any required reservoir release established by statute, regulation, permit or other approval issued by a state or federal agency. Multi-Year Drought Storage does not include the volume of water below intake elevations ~~and does not require an emergency declaration or order for use.~~

# Change from Draft to Final:

## 36.07 Registration Conditions

### 36.07(2)(c)3 - Drought Management Plan Alternative Option

“A registrant that only withdraws from surface water supplies with Multi-Year Drought Storage, as determined by the Department, may implement nonessential outdoor water use restrictions in accordance with an accepted drought management plan instead of the restrictions described in 310 CMR 36.07(2)(c)1. ~~The Department will accept plans meeting the following criteria:~~ Such registrants shall submit a plan for acceptance within 2 years of their first registration renewal after [*date of promulgation*] and shall submit an updated plan with each renewal registration request thereafter. The Department will accept plans that establish nonessential outdoor use restrictions that are sufficiently protective of public health and safety, reservoir capacity, and any required releases, and that meet the following criteria : ”

### 36.07 (2)(c)4

~~Restrictions~~ For withdrawals described in 310 CMR 36.07(2)(c) 1. and 2., restrictions at least as restrictive as those in 310 CMR 36.07(2)(c)1. and 2., respectively, shall remain in place for the declared drought level until the drought level is changed by the Secretary.

# Comments and Questions

- 2022 Comments on Draft Regulations at:  
[310 CMR 36.00: Massachusetts Water Resources Management Program | Mass.gov](#)
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