



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

# Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

June 9, 2017

«Name»  
«Address\_1»  
«Address\_2»  
«TownStateZip»

RE: Registration # «Reg\_»

Dear Water Management Act Registrant:

I am writing to update you on the status of the renewal process for your Water Management Act Registration Statement (“Registrations”). The Permit Extension Act has extended all Water Management Registrations by four years; therefore all current Water Management Registrations are effective through December 31, 2021. A subset of Registrations renewed in 2008 included water conservation requirements. Those requirements are not in effect at this time. Additional information is provided below.

The Permit Extension Act: Valid Water Management Act Registrations were due to expire on December 31, 2017. In the fall of 2010 Governor Deval Patrick signed Chapter 240 of the Acts of 2010 into law. Section 173 of this Act is known as the Permit Extension Act (“PEA” or “the Act”). With limited exceptions, the Act automatically extended, for two years beyond its otherwise applicable expiration date, any permit or approval for the use or development of property that was “in effect or existence” during the qualifying period beginning on August 15, 2008, and extending through August 15, 2010. On August 7, 2012, Governor Patrick signed Chapter 238 of the Acts of 2012 which included an amendment to the Permit Extension Act extending permits and approvals for an additional two years. The 2010 PEA’s provisions extended the term of all Water Management Registrations by two years to December 31, 2019, and the 2012 amendment of the PEA extended the term of all Water Management Act Registrations for an additional two years to December 31, 2021.

Therefore, there is no requirement to file a registration renewal request with the Department by June 30, 2017. When the new renewal deadline approaches in 2021, the Department will contact you and provide the forms necessary to file a renewal request for your Water Management Act Registration.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.  
TTY# MassRelay Service 1-800-439-2370  
MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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Massachusetts Water Management Act Registration Statement Content and Conditions for 2008-2017: Water Management Registration Statements for 2008-2017 included new registration conditions. Those conditions required that public water supply registrants meet Performance Standards for Residential Water Use and Unaccounted-for-Water, and that all registrants, excepting cranberry growers, develop a Seasonal Demand Management Plan that included, at a minimum, restrictions on outdoor water use when the Massachusetts Drought Management Task Force declared a Drought for the area where the registrant's withdrawals are located. Subsequently, the new conditions were appealed to the Massachusetts Supreme Judicial Court.

The decision of the Massachusetts Supreme Judicial Court in Fairhaven, et al v. DEP, 455 Mass. 740 (2010), as corrected and amended, required MassDEP to first promulgate regulations before including new conditions in registration renewals. Consequently, MassDEP has not enforced, and does not intend to enforce, those conservation requirements. MassDEP will keep you informed of any future regulatory developments, hearings or opportunities for public comment.

Please note that the minimum "Registration Conditions" set out in 310 CMR 36.08 (as authorized by G.L. c. 21G, s. 6) were not challenged in Fairhaven and therefore will continue to apply and be subject to enforcement. The minimum registration conditions set out in 310 CMR 36.08 which are in effect are the requirements to meter, calibrate and maintain records as described on page 2 and reporting of withdrawal data as described on page 4 of the registration statement.

If you have any questions or concerns about these developments, or any other aspect of the Water Management Act Program, please feel free to contact me by telephone at (617) 292-5706 or by email at [duane.levangie@state.ma.us](mailto:duane.levangie@state.ma.us).

Sincerely,



Duane LeVangie, Program Chief  
Water Management Act Program

Y:/DWPWMA/Registration Renewal 2021/PEA Registration Extension Letter 6-9-2017

ecc: MWWA  
Mass Rivers Alliance