



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

IAN A. BOWLES
Secretary

LAURIE BURT
Commissioner

December 31, 2007

MASSACHUSETTS WATER RESOURCES AUTHORITY
ATTN: MIKE HORNBROOK
100 FIRST AVE
BOSTON, MA 02129

Dear Registrant:

Please find the attached documents:

- A description of the Massachusetts Water Management Act Registration Statement Contents and Conditions for 2008-2017; and
- The Water Management Act Registrant Statement #21106402 for 2008-2017.
- The 2007 Annual Report Form required to be completed and returned by February 28, 2008.

Massachusetts Water Resources Authority is a Public Water Supply with a surface water source who requested and received an initial determination of normal variation for your existing withdrawal. See 310 CMR 36.39(1). This Registration Renewal Statement includes that normal variation.

If you have any questions regarding the Registration Statement, please contact Duane LeVangie at (617) 292-5706 or Beth McCann at (617) 292-5901.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn Haas".

Glenn Haas
Acting Assistant Commissioner
Bureau of Resource Protection

Enclosures

Cc: Duane LeVangie, MassDEP-WMA Program, Boston

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This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

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**Massachusetts Water Management Act Registration Statement
Content and Conditions for 2008-2017**

The enclosed renewed Water Management Act Registration Statement authorizes continued withdrawals from January 1, 2008 through December 31, 2017. 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water withdrawals from January 1, 1981 through December 31, 1985, and the source locations from which this water was withdrawn. While the initial Water Management Registration Statements had to be filed with the Massachusetts Department of Environmental Protection (the Department) by January 1, 1988, existing registrants have the opportunity to renew the Statements every ten years thereafter. Earlier this year you requested that your Registration be renewed, and the attached Registration Statement confirms your authorized registered withdrawal volumes and sources.

As noted in the Department's August 2007 Registration Renewal Request, the Department has evaluated including water conservation measures in registrations that are consistent with the State Water Conservation Standards approved by the Water Resources Commission (WRC) in July 2006. To better achieve a balance between competing water withdrawals and uses mandated by the Act, to protect the natural environment, and to provide continued and sustainable economic growth in the Commonwealth, the Department is including water conservation measures in Public Water Supply (PWS) Registration Statements pursuant to M.G.L. c. 21G, §§(5) and (6), that include:

- a requirement that PWSs meet the WRC's performance standards of 65 residential gallons per capita day water use (RGPCD) and 10% unaccounted for water loss (UAW) by December 31, 2017;
- a requirement that those not meeting specific performance milestones must develop and implement compliance plan(s) in advance of December 31, 2017;
- a prohibition on the use of decreasing block rates in establishing service charges (M.G.L. c.40, § 39L);
- a requirement that PWSs begin implementing by May 1, 2009 a Seasonal Demand Management Plan that, at a minimum, restricts nonessential outdoor water use between May 1st and September 30th when the Massachusetts Drought Management Task Force declares a drought level of "Advisory", "Watch", "Warning" or "Emergency" for the region in which the PWSs withdrawals are located. Restrictions on outdoor water use shall remain in force until the drought level is declared to be "Normal" by the Drought Management Task Force.
 - PWS with surface water sources who have a Department-approved Drought Management Plan that includes restrictions based on system storage, operational concerns and environmental considerations, may implement restrictions consistent with their plan rather than restrictions triggered by the Drought Management Task Force declaration.

RGPCD and UAW Performance Standards

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The Registration Statements include steps that PWSs will need to take if they are having difficulty meeting the performance standards. The Registration Statement outlines a timetable for PWSs to develop and implement their own plans for bringing their system into compliance with the performance standards. Alternatively, a PWS can implement the MassDEP Model Conservation Plans for RGPCD or UAW at any time and then be considered to have met the functional equivalent of the performance standards.

The MassDEP Model Conservation Plans have not been completed at this time. The Department is committed to working with interested stakeholders, particularly the Massachusetts Water Works Association, to develop model conservation plans that provide a menu of best management practices for registrants to refer to and to use as they develop their own compliance plans. We anticipate developing a water management toolbox over the next several months that will meet the needs of suppliers and meet the Department's commitment to protect water resources while we balance human and environmental needs.

The Department plans to engage interested parties in discussions on rate structures, the experiences of water suppliers and other utilities incorporating rates into their conservation programs, and the impact of conservation on revenues. The Department anticipates incorporating the findings of our discussions into the water management toolbox. We look forward to your input on these matters.

Seasonal Demand Management

PWSs will be required to develop a Seasonal Demand Management Plan to reduce nonessential outdoor water use from May 1st to September 30th. The Department will be working in the coming months with the Massachusetts Water Works Association and the Water Management Advisory Committee to develop an outline of the minimum elements that will be required in a Seasonal Demand Management Plan. The Department will forward the Seasonal Demand Management Plan outline to registrants by May 1, 2008. Registrants will be required to forward a draft of their proposed Seasonal Demand Management Plan to the Department for its review and approval by August 1, 2008. The Department anticipates that many PWSs will already have developed and implemented seasonal water use restrictions that meet the minimum requirements in this Registration Statement. Suppliers can always implement stricter restrictions than those required by the Department. For more information on the Massachusetts Drought Task Force and drought declarations, please see <http://www.mass.gov/dcr/waterSupply/rainfall/drought.htm>

In addition, the Department has included more information that was submitted by Registrants in 1988 and updated the documents to include changes that have occurred since 1988, including:

- A detailed list of ground and surface water sources, including the PWS source ID, for all registered withdrawal points. The Department has added this information to reflect the withdrawal points registered in 1988; and
- Replacement wells and/or satellite wells, if applicable.
- Recognition of the normal variation you requested and received for your existing withdrawals between 1981 and 1985. See 310 CMR 36.39(1). This Registration Renewal Statement includes that normal variation.

Finally, the Department has included the following administrative language:

- Enforcement language that reserves the Department's rights in any case where there is an ongoing proceeding, or may be a future proceeding; and
- Appeal language that explains how the registrant can seek review of the Registration Conditions in the Renewal Registration Statement in an adjudicatory proceeding.

Many registered PWSs 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.



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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: **21106402**

River Basin: NASHUA

Registrant: MASSACHUSETTS WATER RESOURCES AUTHORITY
 WACHUSETT WITHDRAWALS

Number of registered withdrawal points: 2

Groundwater: 0

Surface water: 2

<u>SourceID</u>	<u>Type</u>	<u>Source Name</u>
6000000-01S	SW	COSGROVE AQUEDUCT
6000000-01S	SW	WACHUSETT AQUEDUCT/DAM

Use: Public Water Supply

Average Volume per Day (MGD): 179.0*

Total Annual Volume (MGY): 65,335*

*Pursuant to the regulations at 310 CMR 36.39, this registration contains recognition of normal variation in the amount of 52.88 MGD. The authorized withdrawal volume above is a combination of the average registered volume of 126.12 MGD plus normal variation of 52.88 MGD. Please note that total combined registered withdrawals cannot exceed 312.82 MGD on average or 114,179.3 MG in any calendar year from your Chicopee and Nashua River Basin sources.

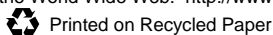
Days of Operation: 365

Effective Date: January 1, 2008

Expiration Date: December 31, 2017

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

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REGISTRATION CONDITIONS

The Registrant shall comply at all times with M.G.L. c. 21G, 310 CMR 36.00 and all other applicable state and federal statutes and regulations.¹ 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 Renewal Registration Statement.

Metering:

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

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.

Performance Standards for Residential Water Use and Unaccounted-for Water:

The Registrant shall comply with the 65 Residential Gallons per Capita Day (RGPCD) and 10 % Unaccounted-for Water (UAW) performance standards included in the Massachusetts Water Resources Commission's State Water Conservation Standards (July 2006) as soon as feasible but no later than **December 31, 2017**. The Registrant shall annually document its actual RGPCD and UAW in the ASRs it files with the Department, commencing with its ASR for calendar year 2008. The Registrant's ASRs shall document that it is making demonstrable progress towards meeting the performance standards for RGPCD and UAW. Commencing with its ASR for calendar year 2017, and for each year thereafter, the Registrant shall document that it is in full compliance with the performance standards for both RGPCD and UAW.

If the Registrant's ASR for calendar year 2009 indicates that the Registrant is exceeding 80 RGPCD and/or 15% UAW, then the Registrant shall develop and implement an annual compliance plan(s) designed to meet the 65 RGPCD and 10% UAW performance standards by December 31, 2017. The Department will make the MassDEP Model Conservation Plan(s), including a menu of best management practices (BMPs), available to the Registrant for adoption or consideration in developing its own compliance plan(s). The Registrant shall submit a copy of its first compliance plan(s) to the Department by December 31, 2010, and begin implementation upon submittal.

If the Registrant's ASR for calendar year 2012 indicates that the Registrant is exceeding 65 RGPCD or 10% UAW, then the Registrant shall develop and implement an annual compliance plan(s) designed to meet the 65 RGPCD and 10% UAW performance standards by December 31, 2017, unless it has done so already. The Registrant shall submit a copy of its first compliance plan(s) to the Department by December 31, 2013, and begin implementation upon submittal.

The Department reserves the right to commence enforcement against the Registrant if it is not making demonstrable progress towards meeting these performance standards, or if it has not developed and implemented an annual compliance plan(s) that is reasonably designed to meet the 65 RGPCD and 10% UAW performance standards by December 31, 2017. In exercising its enforcement discretion, the Department will consider the Registrant's past efforts to come into compliance with these requirements.

¹ Regulations may change from time-to-time. The Registrant is responsible for complying with the most current version of the applicable regulations, unless the regulations expressly provide otherwise.

Note: Those registrants with RGPCD above 65 or UAW above 10% may choose to adopt the MassDEP Model Conservation Plan(s) at any time before December 31, 2017. Those registrants that have adopted the MassDEP Model Conservation Plan(s), and have made appropriate arrangements to finance, implement and enforce its provisions, will not be subject to enforcement for exceeding the 65 RGPCD and 10% UAW performance standards provided that they are continuing to make reasonable efforts to implement and enforce their compliance plan(s). Those registrants that have not adopted the MassDEP Model Conservation Plan(s) prior to December 31, 2017, and/or that are not making reasonable efforts to finance, implement and enforce their compliance plan(s) provisions, may be subject to enforcement for exceeding the 65 RGPCD and/or 10% UAW performance standards and may be required to adopt the MassDEP Model Conservation Plan(s), if they have already not done so.

Seasonal Demand Management – May 1 through September 30:

The Registrant shall submit a Seasonal Demand Management Plan by August 1, 2008 for the Department’s review and approval. The Plan must begin by May 1, 2009, and restrict at a minimum nonessential outdoor water use from May 1st through September 30th, consistent with the following:

If the Registrant’s RGPCD is 65 or less on the ASR for the previous year, then the Registrant shall, at a minimum, restrict outdoor water use according to its Department-approved Seasonal Demand Management Plan when the Massachusetts Drought Management Task Force declares a Drought Advisory, Drought Watch, Drought Warning or Drought Emergency for the region where the Registrant’s withdrawals are located. Restrictions on outdoor water use shall remain in place until the drought level is returned to “Normal.”

-or-

If the Registrant’s RGPCD is 66 or greater on the ASR for the previous year, then the Registrant shall, at a minimum, restrict nonessential outdoor water use to one day per week outside the hours of 9:00 a.m. to 5:00 p.m. when the Massachusetts Drought Management Task Force declares a Drought Advisory, Drought Watch, Drought Warning or Drought Emergency for the region where the Registrant’s withdrawals are located. The restrictions on nonessential outdoor water use shall remain in place until the drought level is returned to “Normal.”

-or-

If the Registrant withdraws from surface water supplies and has a Department-approved Drought Management Plan that includes restrictions based on system storage, operational concerns and/or environmental considerations, then the Registrant shall implement outdoor water use restrictions in accordance with its Drought Management Plan.

Nonessential Water Use: As used herein, “nonessential outdoor water use” means uses that are not required: (a) for health or safety reasons; (b) by regulation; (c) for the production of food and fiber; (d) for the maintenance of livestock; or (e) to meet the core functions of a business.

Examples of nonessential outdoor water uses include: the irrigation of lawns or landscaping, except by means of a hand-held hose outside the hours of 9:00 a.m. to 5:00 p.m.; washing vehicles other than by means of a commercial car wash or except as necessary for operator safety; and washing of exterior building surfaces, parking lots, driveways and/or sidewalks, except as necessary to apply paint, preservatives, stucco, pavement, cement, or the like.

Examples of acceptable outdoor water uses outside the hours of 9:00 a.m. to 5:00 p.m. include: irrigation to establish a new lawn during the months of May and September; irrigation for the production of food and fiber or the maintenance of livestock; irrigation by plant nurseries as

necessary to maintain stock; irrigation by golf courses as necessary to maintain greens and tees, and limited fairway watering; and irrigation of public parks and recreational fields.

Nothing in this Registration Statement shall be construed to prohibit or prevent the Registrant from implementing any water use restrictions stricter than those contained herein.

Note: 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.

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 MassDCR's website at <http://www.mass.gov/dcr/waterSupply/rainfall/drought.htm>.

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 charge lower unit prices as water use increases during the billing period are prohibited by M.G.L. c. 40, § 39L.

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 36.08.

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 Renewal 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 Renewal Registration Statement.

REGISTRATION RENEWAL

This Registration Statement expires on January 1, 2018, unless the Registrant files a registration renewal request with the Department prior to that date in accordance with 310 CMR 36.10. Failure to file a registration renewal request by the expiration date shall result in the loss of the Registrant's right to withdraw the water volumes authorized by this Renewal Registration Statement until a permit for such withdrawal has been obtained from the Department.

REGISTRATION TRANSFER

The transfer of Registration Statements is governed by 310 CMR 36.09. Except as provided in 310 CMR 36.09(2), this Renewal 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, (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 Renewal Registration Statement shall be surrendered to the Department upon transfer of any withdrawal authorized by this document.

APPEALS

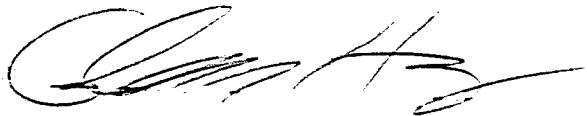
The Registrant may request an adjudicatory hearing on this Renewal Registration Statement by timely filing a Notice of Claim for an Adjudicatory Appeal (“Notice of Claim”) in accordance with M.G.L. c. 30A, § 10 and 310 C.M.R. 1.00 within twenty-one (21) days of its receipt of this Renewal Registration 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 Renewal 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
One Winter Street, Second Floor
Boston, MA 02108

In addition, 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.



Glenn Haas, Acting Assistant Commissioner
Bureau of Resource Protection

12/31/07
Date