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

April 1, 2016

Mr. Dan Mahoney, Chairman
Upper Cape Regional Water Supply Cooperative
P.O. Box 373
Mashpee, MA 02649

Town: Sandwich
PWS ID: 4261024
Program: Water Management Act
WMA Permit #: Permit 9P2-4-22-261.03
Action: FINAL Permit Amendment

Dear Mr. Mahoney,

Please find attached the following:

- Findings of Fact in Support of the Final Permit Amendment Decision; and,
- Final Water Management Act Modified Permit #9P2-4-22-261.03 for the Upper Cape Regional Water Supply Cooperative, Sandwich, Massachusetts.

If you have any questions and would like to meet to discuss the final permit, please contact Julie Butler at 617-292-5552.

Sincerely,

Rebecca Weidman
Division of Watershed Management
Bureau of Water Resources

Enclosures

ecc: Jennifer Pederson, Massachusetts Water Works Association
Donald Rugg, UCRWSC Primary Distribution Operator
Maura Callahan, Callahan Consulting
Tom Cambareri, Cape Cod Commission
Tim Simmons, MassDFG Division of Fisheries and Wildlife

Y:\DWPARCHIVE\SERO\2016\Sandwich-PWSID 4261024-Final WMA Permit Amendment-2016-04-01

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Communication For Non-English Speaking Parties - 310 CMR 1.03(5)(a)

1 English:
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2 Español (Spanish):
Este documento es importante y debe ser traducido inmediatamente. Si necesita este documento traducido, por favor póngase en contacto con el Director de Diversidad MassDEP a los números de teléfono que aparecen más abajo.

3 Português (Portuguese):
Este documento é importante e deve ser traduzida imediatamente. Se você precisa deste documento traduzido, por favor, entre em contato com Diretor de Diversidade da MassDEP para os números de telefone listados abaixo.

4(a) 中國（傳統）(Chinese (Traditional):
本文件非常重要，應立即翻譯。如果您需要翻譯這份文件，請用下面列出的電話號碼與MassDEP的多樣性總監聯繫。

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5 Ayisyen (franse kreyòl) (Haitian) (French Creole):
Dokiman sa-a se yon bagay enpòtan epi yo ta dwe tradui imedyatman. Si ou bezwen dokiman sa a tradui, tanpri kontakte Divèsite Direktè MassDEP a nan nimewo telefòn ki nan lis pi ba a.

6 Việt (Vietnamese):
Tài liệu này là rất quan trọng và cần được dịch ngay lập tức. Nếu bạn cần dịch tài liệu này, xin vui lòng liên hệ với Giám đốc MassDEP đa dạng tại các số điện thoại được liệt kê dưới đây.

7 ប្រទេសកម្ពុជា (Kmer (Cambodian):
ឯកសារនេះគឺមានសារៈសំខាន់និងគួរត្រូវបានបកប្រែភ្លាម។ ប្រសិនបើអ្នកត្រូវបានបកប្រែឯកសារនេះសូមទំនាក់ទំនងឆ្នោតជានាយក MassDEP នៅលេខទូរស័ព្ទដែលបានរាយខាងក្រោម។

8 Kriolu Kabuverdianu (Cape Verdean):
Es documento é importante e deve ser traduzido imidiatamente. Se bo precisa des documento traduzido, por favor contacta Director de Diversidade na MassDEP's pa es numero indicode li d'boche.

9 Русский язык (Russian):
Этот документ является важным и должно быть переведено сразу. Если вам нужен этот документ переведенный, пожалуйста, свяжитесь с директором разнообразия MassDEP по адресу телефонных номеров, указанных ниже.

10 العربية (Arabic):
هذه الوثيقة الهامة وينبغي أن تترجم على الفور. اذا كنت بحاجة الى هذه الوثيقة المترجمة، يرجى الاتصال مدير التنوع في MassDEPعلى أرقام الهواتف المدرجة أدناه.

11 한국어 (Korean):
이 문서는 중요하고 즉시 번역해야합니다. 당신이 번역이 문서가 필요하면 아래의 전화 번호로 MassDEP의 다양성 감독에 문의하시기 바랍니다.

12 հայերեն (Armenian):
Այս փաստաթուղթը շատ կարեւոր է եւ պետք է թարգմանել անմիջապես. Եթե Ձեզ անհրաժեշտ է այս փաստաթուղթը թարգմանվել դիմել MassDEP բազմազանությունը տնօրեն է հեռախոսահամարների թվարկված են ստորեւ.

13 فارسی (Farsi (Persian):
این سند مهم است و باید فورا ترجمه شده است.
اگر شما نیاز به این سند ترجمه شده، لطفا با ما تماس تنوع مدیر MassDEP در شماره تلفن های ذکر شده در زیر.

14 Français (French):
Ce document est important et devrait être traduit immédiatement. Si vous avez besoin de ce document traduit, s'il vous plaît communiquer avec le directeur de la diversité MassDEP aux numéros de téléphone indiqués ci-dessous.

15 Deutsch (German):
Dieses Dokument ist wichtig und sollte sofort übersetzt werden. Wenn Sie dieses Dokument übersetzt benötigen, wenden Sie sich bitte Diversity Director MassDEP die in den unten aufgeführten Telefonnummern.

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Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως. Αν χρειάζεστε αυτό το έγγραφο μεταφράζεται, παρακαλούμε επικοινωνήστε Diversity Director MassDEP κατά τους αριθμούς τηλεφώνου που αναγράφεται πιο κάτω.

17 Italiano (Italian):
Questo documento è importante e dovrebbe essere tradotto immediatamente. Se avete bisogno di questo documento tradotto, si prega di contattare la diversità Direttore di MassDEP ai numeri di telefono elencati di seguito.

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19 हिन्दी **(Hindi):**
यह दस्तावेज महत्वपूर्ण है और तुरंत अनुवाद किया जाना चाहिए. आप अनुवाद इस दस्तावेज़ की जरूरत है, नीचे सूचीबद्ध फोन नंबरों पर MassDEP की विविधता निदेशक से संपर्क करें.

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Findings of Fact in Support of the FINAL Amended Permit Decision
Water Management Permit #9P2-4-22-261.03

The Department of Environmental Protection ("MassDEP" or "the Department") has completed its review of the Upper Cape Regional Water Supply Cooperative's Water Management Act (WMA) permit amendment application. This review was conducted in regard to the permit for the Upper Cape Regional Water Supply Cooperative (UCRWSC) to withdraw water from the Cape Cod Basin. The Department hereby amends the Water Management Permit #9P2-4-22-261.03 (the "Permit") in accordance with the Water Management Act (M.G.L. 21G). The Department makes the following Findings of Fact in support of the attached Final Permit, and includes herewith its reasons for amending the Permit and for the conditions of approval imposed, as required by M.G.L. c.21G, s. 11 and 310 CMR 36.00. The Permit is being issued since such action is necessary for the promotion of the purposes of M.G.L. c. 21G. The Department may modify, suspend or terminate the Permit, after notice and hearing, for violations of its conditions, of M.G.L. c. 21G, or of regulations adopted or orders issued by the Department, and when deemed necessary for the promotion of the purposes of the Water Management Act.

UCRWSC Water Withdrawal History

UCRWSC is authorized to withdraw from the Cape Cod Basin a total of 3.0 million gallons per day (MGD). The system currently operates three sources: Wells 1, 2, and 3 (4261024-01G, -02G, and -03G). The original permit was issued on June 8, 2001 to the Falmouth Department of Public Works, and later transferred on December 26, 2002 to UCRWSC. The system volume was not intended to increase overall water use in the area but instead was based upon the projected need of the neighboring water systems to supplement existing sources, to provide redundancy to existing source capacity potentially impacted by contamination emanating from the Massachusetts Military Reservation, and to replace the capacity of proposed sources already lost to contamination.

This Final Permit does not authorize an increase in water withdrawal volume, nor does it add a new withdrawal source. UCRWSC's authorized withdrawal volume under its WMA Permit will continue to be an annual average daily volume of 3.0 MGD from the Cape Cod Basin. The Final Permit was prepared by MassDEP in response to a permit amendment application submitted by the UCRWSC to eliminate a special condition (Special Condition 5). Under the Water Management Act, permittees must obtain a permit amendment for changes to permit conditions.

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The Permit Extension Act

In August 2010, UCRWSC submitted a 20-year permit renewal application. Subsequently, the Permit Extension Act (PEA), Section 173 of Chapter 240 of the Acts of 2010, as amended by Sections 74 and 75 of Chapter 238 of the Acts of 2012, extended all existing WMA permits by four years. Therefore, WMA permits for withdrawals in the Cape Cod Basin were extended to November 30, 2014. Pursuant to M.G.L. c. 30A, Section 13, and 310 CMR 36.18(7), UCRWSC's current Permit will continue in force and effect until the Department issues a decision on your renewal application. MassDEP has retained UCRWSC's renewal application on file and will deem it resubmitted prior to any Order to Complete or a Final Permit being issued by the Department. The Department expects to begin reviewing renewal applications on the Cape later this year. Note that, in issuing this Final Permit, the Department is not acting on UCRWSC's renewal application.

The Water Management Act

Section 7 of the WMA requires that the Department issue permits that balance a variety of factors including:

- Reasonable protection of existing water uses, land values, investments and enterprises;
- Reasonable conservation consistent with efficient water use;
- Reasonable protection of public drinking water supplies, water quality, wastewater treatment capacity, waste assimilation capacity, groundwater recharge areas, navigation, hydropower resources, water-based recreation, wetland habitat, fish and wildlife, agriculture, flood plains; and
- Reasonable economic development and job creation.

Safe Yield

Among the minimum permit factors Section 7 requires is a determination by MassDEP that permitted water withdrawals are within the safe yield of the water source from which they are made. Section 2 of the Water Management Act defines "safe yield" as: "the maximum dependable withdrawal that can be made continuously from a water source including ground or surface water during a period of years in which the probable driest period or period of greatest water deficiency is likely to occur: provided, however, that such dependability is relative and is a function of storage and drought probability."

For the purposes of the Water Management Program, MassDEP considers water sources to be the river basins delineated by the MA Water Resources Commission at 313 CMR 4.03. A map of the major river basins has been developed by the Department of Conservation and Recreation and can be viewed in their guidance document "A Guide to the Interbasin Transfer Act and Regulations" or at http://www.mass.gov/eea/images/dcr/watersupply/intbasin-ipswichriver/basin.jpg.

This Final Permit is being issued under the Safe Yield methodology adopted by MassDEP on November 7, 2014, and described in the Regulations at 310 CMR 36.13. The Department has used the methodology described in the Regulations to calculate the safe yield for each river basin.

Under Section 11 of the Water Management Act, MassDEP cannot issue permits when the combined registered and permitted allocated withdrawal volumes exceed the safe yield of the water source. As of the issuance date of this Final Permit, the total allocated withdrawal volumes do not exceed the safe yield for the Cape Cod Basin. Under this Permit the Cape Cod Basin safe yield will continue to be higher than the combined allocated withdrawal volumes because the Permit does not increase UCRWSC's total allocated withdrawals but only authorizes a Special Condition modification.

Findings of Fact for the Performance Standards in the UCRWSC's Water Management Permit Amendment

MassDEP has determined that there is documented evidence that water withdrawals and an increase in development and impervious area, combined with the out-of-basin export of wastewater, substantially contribute to low flow in the Commonwealth. These low flows impact the ability of rivers and tributaries to adequately serve all of the competing uses described in the Water Management Act. To better achieve the balance of competing water uses mandated by the Water Management Act, MassDEP refers to the Water Conservation Standards adopted by the Water Resources Commission. These standards can be found at http://www.mass.gov/eea/docs/eea/wrc/water-conservation-standards-rev-june-2012.pdf.

Specific performance standards are applied to new Water Management permits and to existing permits at the time they are amended, during 5-year permit review, or when the permit is renewed. Because UCRWSC acts as a wholesaler of water to other systems, these conditions were not applied to this Permit but are expected to be included as appropriate in the permits of Public Water Suppliers purchasing water from UCRWSC.

Findings of Fact for Special Permit Conditions

In issuing permits, the Department looks primarily at site-specific impacts and other issues specific to the system, such as impacts to nearby streams, wetlands, or other water users, justification of long-term demand projections, and the capacity of permitted withdrawal points. The special conditions are intended to ensure the efficient use of water and to mitigate the potential impact of withdrawals. The following Findings of Fact are intended to describe the rationale, and to provide additional detail, for each of the special conditions in the final permit. This Findings of Fact also explain any changes to Special Permit Conditions from prior Permits, when applicable.

Special Condition 1, Maximum Authorized Annual Average Withdrawal Volume, reflects the permitted withdrawal volume of 3.0 MGD. UCRWSC's actual water use has been substantially below this value. The average daily withdrawal volumes for the system for 2012, 2013, and 2014 were 1.32, 1.06, and 1.36 MGD, respectively.

Although actual withdrawal volumes have been significantly below those allocated, the Department has not changed the volumes authorized in this Permit. This system is expected to have largely varying demands based on the status of its interconnected systems, and its role in replacing sources lost due to contamination.

Special Condition 2, Maximum Authorized Daily Withdrawal Volumes from Each Withdrawal Point, reflects the volume of groundwater withdrawal expressed as a maximum daily rate for each source included in the Permit, according to Department-approved Zone II rates.

Special Condition 3, Zone of Contribution (Zone II or Zone III Delineations)
The requirement has been met and no further delineations are required as a condition of this Permit.

Special Condition 4, Wellhead Protection
The requirement has been met and no further wellhead protection measures are required as a condition of this Permit.

Special Condition 5, Shawme Lakes Long-Term Monitoring Plan
In the original Permit, the Department required monthly groundwater level monitoring in six wells located between the three UCRWSC water-supply wells and Shawme Lakes. The purpose of the monitoring was to evaluate the potential withdrawal impacts of Wells 1-3 on Shawme Lakes. Monitoring

was conducted consistent with the plan included in Section 3.0 of the Hydraulic Monitoring Program of the June 2002 Baseline Monitoring Report and related updates. A detailed assessment of the monitoring results was required annually by the Department. Water-level monitoring continued through 2013.

In a 2013 WMA permit amendment application, UCRWSC requested that this special condition be eliminated from its Permit on the basis that no measureable impacts to the lakes had been detected over the 11-year monitoring period.

The Department concurs that the data in UCRWSC's annual monitoring reports indicate no measurable impacts to water levels in the monitored wells over the period of record. However, rather than eliminating Special Condition 5 entirely, the Department approves a suspension of the condition provided that UCRWSC's annual average withdrawal remains below 2.5 MGD (authorized annual average withdrawal volume of 3.0 MGD). If UCRWSC's annual average withdrawal volume reaches or exceeds 2.5 MGD in the future, the monitoring shall recommence to reevaluate the withdrawal impacts of Wells 1-3 on Shawme Lakes. Note that the suspension of Special Condition 5 has no effect on UCRWSC's water-quality monitoring requirements, which fall under the Department's Drinking Water Program.

Special Condition 6, Water Conservation and Reporting Requirements
UCRWSC's Annual Statistical Report shall provide an explanation of any difference between the total volumes reported to be withdrawn from the wells and the total volumes reportedly sold to neighboring systems. Should the volume withdrawn exceed the volumes sold by 10% or more, UCRWSC must provide a plan to the Department within 3 months to address this unaccounted-for water loss.

UCRWSC is required to provide a monthly breakdown of the volumes sold to each individual supplier with the Annual Statistical Report filed each year with the Department.

Special Condition 7, Chapter 30 Section 61 Permit Findings
The Department hereby finds that, with implementation by the proponent of the mitigation measures and appropriate conditions described above, all practicable and feasible means and measures will be taken to avoid or minimize adverse water withdrawal and related impacts to the environment associated with the three water supply wells.

The summary of permit conditions above as part of the Department's findings of fact is not intended to, and should not be construed as, modifying any of the permit conditions. In the event of any conflict or ambiguity between with letter and the permit, the permit language shall control.

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WATER WITHDRAWAL PERMIT
MGL c 21G

This permit is issued pursuant to the Massachusetts Water Management Act for the sole purpose of authorizing the withdrawal of a volume of water as stated below and subject to the following special and general conditions. This permit conveys no right in or to any property.

PERMIT NUMBER: 9P2-4-22-261.03 **RIVER BASIN:** Cape Cod

PERMITTEE: Upper Cape Regional Water Supply Cooperative
P.O. Box 373
Mashpee, MA 02649

EFFECTIVE DATE: December 26, 2002

AMENDMENT DATE: April 1, 2016

EXPIRATION DATE: November 30, 2014[1]

TYPE AND NUMBER OF WITHDRAWAL POINTS:
Groundwater: 3
Surface Water: 0

USE: Public Water Supply

DAYS OF OPERATION: 365

[1] UCRWSC's most recent 20-year permit was set to expire on November 30, 2010. In August 2010, the permit was extended for 2 years, to November 30, 2012, by Section 173 of Chapter 240 of the Acts of 2010 (Permit Extension Act). In 2012, the Permit Extension Act was amended by Chapter 238 of the Acts of 2012 and this permit was extended an additional 2 years to November 30, 2014. Pursuant to M.G.L. c. 30A, § 13, and 310 CMR 36.18(7), the permit will continue in force and effect until the Department issues a decision on UCRWSC's renewal application.

This information is available in alternate format. Call Michelle Waters-Ekanem, Diversity Director, at 617-292-5751. TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

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LOCATION(S):

Table 1: Withdrawal Point Identification

Source	Source Code	Latitude	Longitude
Well #1	4261024-01G	40 43 14	70 29 35
Well #2	4261024-02G	41 44 00	70 30 27
Well #3	4261024-03G	41 44 10	70 30 45

SPECIAL CONDITIONS

1. Maximum Authorized Annual Average Withdrawal Volume

This permit authorizes UCRWSC to withdraw water from the Cape Cod Basin at the rate described below (Table 2). The permitted volume is expressed in millions of gallons, both as an average daily withdrawal rate per year (MGD) and as a total annual withdrawal volume (MGY) for each of the five-year periods of the permit term.

The Department will use the raw water withdrawal volume from all authorized withdrawal points to assess compliance with the registered and permitted withdrawal volumes.

Table 2: Maximum Authorized Average Annual Withdrawal Volume

Permit Periods	Daily Average (MGD)	Total Annual (MGY)
12/26/2002 to 11/30/2005	3.0	1095.00
12/1/2005 to 11/30/2010*	3.0	1095.00

* UCRWSC's most recent 20-year permit was set to expire on November 30, 2010. In August 2010, the permit was extended for 2 years, to November 30, 2012, by Section 173 of Chapter 240 of the Acts of 2010 (Permit Extension Act). In 2012, the Permit Extension Act was amended by Chapter 238 of the Acts of 2012 and this permit was extended an additional 2 years to November 30, 2014. Pursuant to M.G.L. c. 30A, § 13, and 310 CMR 36.18(7), the permit will continue in force and effect until the Department issues a decision on UCRWSC's renewal application.

2. Maximum Authorized Daily Withdrawal Volume

Withdrawals from individual withdrawal points are not to exceed the approved maximum daily volume listed below (Table 3) without specific advance written approval from the Department. The authorized maximum daily volume is the approved rate of each source. In no event shall the combined withdrawals from the individual withdrawal points exceed the withdrawal volumes authorized above in Special Condition 1.

Table 3. Maximum Authorized Daily Withdrawal Volumes

Source	Source Code	Maximum Daily Rate (MGD)
Well #1	4261024-01G	1.5
Well #2	4261024-02G	1.5
Well #3	4261024-03G	1.5

3. Zone of Contribution (Zone II or Zone III) Delineations

Department records show that all three wells have MassDEP approved Zones of Contribution. Therefore, no further Zone of Contribution work is required as a condition of this permit.

4. Wellhead Protection

UCRWSC's records indicate that UCRWSC has adopted land use controls and water supply protection measures meeting the requirements of 310 CMR 22.21(2) in the Zone IIs of Wells 1, 2, and 3. These controls are authorized through the "*Groundwater Protection Policy*" and the "*Groundwater Resources Performance Standards*" established by the state's Environmental Management Commission in the Final Environmental Impact Report (EOEA #12277), which was found to have adequately and properly complied with the Massachusetts Environmental Policy Act in the Secretary's Certificate issued on April 1, 2002. The "*Groundwater Protection Policy*" was established as a Memorandum of Agreement (MOA), in 1997 by the MMR Environmental Quality Control Committee. The MOA includes controls for areas off the Camp Edwards Training area that are not covered in the "*Groundwater Resources Performance Standards*". Should the MOA expire and not be renewed, UCRWSC will need to demonstrate to the Department's satisfaction a "Best Effort" in encouraging the Town of Sandwich to amend the Sandwich Water Resources District Map (dated March 1995) to include the Zone II(s) for Wells 1-3. Provided either the MOA remains in place or the "Best Effort" standard is met, the Upper Cape Regional Water Supply Cooperative is in compliance with State Wellhead Protection requirements. Continued compliance with 310 CMR 22.21(2) is required as condition of this permit.

5. Shawme Lakes Long-Term Monitoring Plan

The Department approves a suspension of the groundwater-level monitoring required by Special Condition 5, provided that UCRWSC's annual average withdrawal volume remains below 2.5 MGD of their authorized annual average withdrawal volume of 3.0 MGD. If UCRWSC's annual average withdrawal volume reaches or exceeds 2.5 MGD in the future, the monitoring shall recommence to reevaluate the withdrawal impacts of Wells 1-3 on Shawme Lakes. The monitoring shall be consistent with the plan included in Section 3.0 of the Hydraulic Monitoring Program of the June 2002 Baseline Monitoring Report (attached), and a detailed assessment of the monitoring results for the prior calendar year must be filed on or before April 15th with: MassDEP, Attn: Water Management Program, One Winter St, 5th floor, Boston, MA 02108.

6. **Water Conservation & Reporting Requirements**

UCRWSC's Annual Statistical Report shall provide an explanation of any difference between the total volumes reported to be withdrawn from the wells and the total volumes reportedly sold to neighboring systems. Should the volume withdrawn exceed the volumes sold by 10% or more, the Cooperative must provide a plan to the Department within three months to address this unaccounted-for water loss.

UCRWSC is required to provide a monthly breakdown of the volumes sold to each individual supplier with the Annual Statistical Report filed each year with the Department.

7. **Chapter 30 Section 61 Permit Findings**

The Department hereby finds that, with implementation by the proponent of the mitigation measures and appropriate conditions described above, all practicable and feasible means and measures will be taken to avoid or minimize adverse water withdrawal and related impacts to the environment associated with the three water supply wells.

GENERAL CONDITIONS (applicable to all permittees)

No withdrawal in excess of 100,000 gallons per day shall be made following the expiration of this Permit, unless before that date the Department has received a renewal permit application pursuant to 310 CMR 36.00.

1. **Duty to Comply** The permittee shall comply at all times with the terms and conditions of this Permit, the Water Management Act and all applicable State and Federal statutes and regulations.

2. **Operation and Maintenance** The permittee shall at all times properly operate and maintain all facilities and equipment installed or used to withdraw water so as not to impair the purposes and interests of the Act.

3. **Entry and Inspections** The permittee or the permittee 's agent shall allow personnel or authorized agents or employees of the Department to enter and examine any property over which the Permitee has authority, title or control, for the purpose of determining compliance with this Permit, the Act or the regulations published pursuant thereto, upon presentation of proper identification and an oral statement of purpose.

4. **Water Emergency** Withdrawal volumes authorized by this Permit are subject to restriction in any water emergency declared by the Department pursuant to M.G.L. c. 21G ss 15-17, M.G.L. c. 150 ss 111, or any other enabling authority.

5. **Transfer of Permits** This Permit shall not be transferred in whole or in part unless and until the Department approves such transfer in writing, pursuant to a transfer application on forms provided by the Department requesting such approval and received by the Department at least thirty (30) days before the effective date of the proposed transfer. No transfer application shall be deemed filed unless it is accompanied by the applicable transfer fee established by 310 CMR 36.33 and 310 CMR 4.00.

6. **Duty to Report** The permittee shall complete and electronically submit annually, via eDEP available through the Department's website, all of the information required by the electronic Annual Statistical Report (eASR) including, without limitation, a certified statement of the withdrawal. Such report shall be received each year by the Department by the date specified on the eASR.

7. **Duty to Maintain Records** The permittee shall maintain withdrawal and all other records and other information in sufficient detail to demonstrate compliance with this Permit.

8. **Metering** All withdrawal points included within the Permit shall be metered within one year of the date of issuance of the Permit. Meters shall be maintained and replaced as necessary to ensure the accuracy of the withdrawal records.

9. **Right to Amend, Suspend or Terminate** The Department may amend, suspend, or terminate the permit in accordance with M.G.L. c. 21G and 310 CMR 36.29.

APPEAL RIGHTS AND TIME LIMITS

This Permit is a decision of the Department. Any person aggrieved by this decision may request an adjudicatory hearing as described herein and in accordance with the procedures described at 310 CMR 36.37. Any such request must be made in writing, by certified mail or hand delivered and received by the Department within twenty-one (21) days of the date of receipt of this permit. The hearing request, including proof of payment of the filing fee, must be mailed to:

Case Administrator
MassDEP Office of Appeals and Dispute Resolution
One Winter Street
Boston, MA 02108

No request for an appeal of this permit shall be validly filed unless a copy of the request is sent by certified mail or delivered by hand to the local water resources management official in the city or town in which the withdrawal point(s) is located; and for any person appealing this decision, who is not the applicant, unless such person notifies the permit applicant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

CONTENTS OF HEARING REQUEST

310 CMR 1.01(6)(b) requires the request to include a clear and concise statement of the facts which are the grounds for the request and the relief sought. In addition, the request must include a statement of the reasons why the decision of the Department is not consistent with applicable rules and regulations, and for any person appealing this decision who is not the applicant, a clear and concise statement of how that person is aggrieved by the issuance of this Permit.

FILING FEE AND ADDRESS

The Department's fee transmittal form, together with a valid check, payable to the Commonwealth of Massachusetts in the amount of $100 must be mailed to:

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

The request shall be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below.

EXEMPTIONS
The filing fee is not required if the appellant is a city or town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority.

WAIVER
The Department may waive the adjudicatory hearing filing fee for any person who demonstrates to the satisfaction of the Department that the fee will create an undue financial hardship. A person, seeking a waiver must file, together with the hearing request, an affidavit setting forth the facts, which support the claim of undue hardship.