



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

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

DRAFT

May 07, 2025

Caleb Slater, PhD, Supervisor
McLaughlin & Palmer State Fish Hatcheries
90 East Street
Belchertown, MA 01007

Program: Water Management Act (WMA)
WMA Permit #: 9P-1-08-024.01
Action: **Draft** Renewed Permit

Dear Mr. Slater:

Please find the following attached:

- Findings of Fact in Support of the **DRAFT** Water Management Act Permit Decision; and,
- **DRAFT** Water Management Act Permit #9P-1-08-024.01 for the McLaughlin & Palmer State Fish Hatcheries in the Chicopee River Basin.

Consistent with 310 CMR 36.27(6) - (8) of the revised Water Management Act Regulations promulgated on November 7, 2014, MassDEP will now publish notice in the Environmental Monitor that a DRAFT Permit is available for review and comment for 30 days following the May 07, 2025, publication in the Environmental Monitor. Notice of the public comment period will also be sent to all registrants, permittees and those having non-consumptive use statements within the Chicopee River Basin. The Department expects to issue the final permit within 30 days of the close of the public comment period.

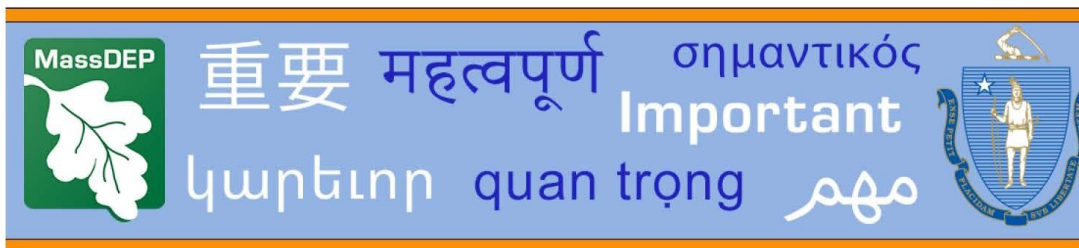
The signature on this cover letter indicates formal issuance of the attached documents. If you have any questions regarding this information, please contact Brittany Segill at brittany.segill@mass.gov or (617) 960-6598, or me, Duane LeVangie, at duane.levangie@mass.gov or (617) 780-1962.

Sincerely,

Duane LeVangie, Chief
Water Management Program
Bureau of Water Resources

Ecc: Jennifer Pederson, MWWA
Lydia Olson, Massachusetts Rivers Alliance
Dan Hall, MassDEP WRO

Sharepoint:\DWPWMA\Permit Renewals\Chicopee\Belchertown-McLaughlin & Palmer-
9P10802401-DRAFT WMA Permit 05.07.2025



Communication for Non-English-Speaking Parties

This document is important and should be translated immediately.

If you need this document translated, please contact MassDEP's Director of Environmental Justice at the telephone number listed below.

Español Spanish

Este documento es importante y debe ser traducido inmediatamente. Si necesita traducir este documento, póngase en contacto con el Director de Justicia Ambiental de MassDEP (*MassDEP's Director of Environmental Justice*) en el número de teléfono que figura más abajo.

Português Portuguese

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繁體中文 Chinese Traditional

本文檔很重要，需要即刻進行翻譯。
如需對本文檔進行翻譯，請透過如下列示電話號碼與 MassDEP 的環境司法總監聯絡。

简体中文 Chinese Simplified

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Ayisyen Kreyòl Haitian Creole

Dokiman sa a enpòtan epi yo ta dwe tradui l imedyatman. Si w bezwen tradui dokiman sa a, tanpri kontakte Direktè. Jistis Anviwònmanal MassDEP a nan nimewo telefòn ki endike anba a.

Việt Vietnamese

Tài liệu này và quan trọng và phải được dịch ngay. Nếu quý vị cần bản dịch của tài liệu này, vui lòng liên hệ với Giám Đốc Phòng Công Lý Môi Trường của MassDEP theo số điện thoại được liệt kê bên dưới.

ប្រទេសកម្ពុជា Khmer/Cambodian

ឯកសារនេះមានសារៈសំខាន់
ហើយកម្មវិធីត្រូវបានបកប្រែភ្លាមៗ។
ប្រសិនបើអ្នកត្រូវការអោយឯកសារនេះបកប្រែ
សូមទាក់ទងនាយកដ្ឋានយុត្តិធម៌បរិស្ថានរបស់
MassDEPតាមរយៈលេខទូរស័ព្ទដែលបានរាយនាមខាងក្រោម។

Kriolu Kabuverdianu Cape Verdean

Es dokumentu sta important i tenki ser tradusidu imediatamenti. Se nho ta presisa ke es dokumentu sta tradisidu, por favor kontata O Diretor di Justisia di Environman di DEP ku es numero di telefoni menxionadu di baixo.

Contact Deneen Simpson 857-406-0738

Massachusetts Department of Environmental Protection
100 Cambridge Street 9th Floor Boston, MA 02114

TTY# MassRelay Service 1-800-439-2370 • <https://www.mass.gov/environmental-justice>
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Русский Russian

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العربية Arabic

هذه الوثيقة مهمة وتجب ترجمتها على الفور.

إذا كنت بحاجة إلى ترجمة هذه الوثيقة، فيرجى الاتصال بمدير العدالة البيئية في MassDEP على رقم الهاتف المذكور أدناه.

한국어 Korean

이 문서는 중대하므로 즉시 번역되어야 합니다. 본 문서 번역이 필요하신 경우, 매사추세츠 환경보호부의 "환경정의" 담당자 분께 문의하십시오. 전화번호는 아래와 같습니다.

հայերէն Armenian

Այս փաստաթուղթը կարևոր է, և պետք է անհապաղ թարգմանել այն: Եթե Ձեզ անհրաժեշտ է թարգմանել այս փաստաթուղթը, դիմեք Մասաչուսեթսի շրջակա միջավայրի պահպանության նախարարության (MassDEP) Բնապահպանական հարցերով արդարադատության ղեկավարին (Director of Environmental Justice)՝ ստորև նշված հեռախոսահամարով

فارسی Farsi Persian

این نوشتار بسیار مهمی است و باید فوراً ترجمه شود. اگر نیاز به ترجمه این نوشتار دارید لطفاً با مدیر عدالت محیط زیستی MassDEP در شماره تلفن ذکر شده زیر تماس بگیرید.

Français French

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Deutsch German

Dieses Dokument ist wichtig und muss sofort übersetzt werden. Wenn Sie eine Übersetzung dieses Dokuments benötigen, wenden Sie sich bitte an MassDEP's Director of Environmental Justice (Direktor für Umweltgerechtigkeit in Massachusetts) unter der unten angegebenen Telefonnummer.

Ελληνική Greek

Το έγγραφο αυτό είναι πολύ σημαντικό και πρέπει να μεταφραστεί αμέσως. Αν χρειάζεστε μετάφραση του εγγράφου αυτού, παρακαλώ επικοινωνήστε με τον Διευθυντή του Τμήματος Περιβαλλοντικής Δικαιοσύνης της Μασαχουσέτης στον αριθμό τηλεφώνου που αναγράφεται παρακάτω

Italiano Italian

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Język Polski Polish

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हिन्दी Hindi

यह दस्तावेज महत्वपूर्ण है और इसका अनुवाद तुरंत किया जाना चाहिए। यदि आपको इस दस्तावेज का अनुवाद कराने की जरूरत है, तो कृपया नीचे दिए गए टेलीफोन नंबर पर MassDEP के पर्यावरणीय न्याय निदेशक से संपर्क करें।

Contact Deneen Simpson 857-406-0738

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DRAFT Finding of Fact in Support of Water Management Permit #9P-1-08-024.01 McLaughlin & Palmer State Fish Hatcheries

The Massachusetts Department of Environmental Protection (the Department or MassDEP) has completed its review of McLaughlin & Palmer State Fish Hatcheries' ("McLaughlin & Palmer" or the "permittee") Water Management Act (WMA) permit renewal application filed on May 23, 2016. The Department issues Water Management Permit #9P-1-08-024.01 (the "Permit") in accordance with the Water Management Act (M.G.L. c. 21G) and the regulations promulgated thereunder at 310 CMR 36.00. The Department makes the following Findings of Fact in support of the attached Permit and includes herewith its reasons for issuing the Permit and for conditions of approval imposed, as required by M.G.L. c. 21G, § 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 amend, suspend or terminate the Permit, after notice and hearing, in accordance with the provisions of 310 CMR 36.29(1).

McLaughlin & Palmer's Water Withdrawal History

Original Permit: McLaughlin & Palmer is one of five fish hatcheries operated by the Massachusetts Division of Fisheries and Wildlife (MassDFW) that contribute to the annual stocking of over 500,00 trout into Massachusetts waterways. McLaughlin & Palmer was originally issued a WMA permit on February 24, 1994, to withdraw 1.03 MGD from the Chicopee River Basin. This permitted amount was in addition to the 6.43 MGD authorized under WMA Registration #10802402 for the two hatcheries.

Permit Extension Act: The original expiration date for all Water Management permits in the Chicopee River Basin was May 31, 2013. In 2010, this date was extended for two years, to May 31, 2015, by Section 173 of Chapter 240 of the Acts of 2010, the Permit Extension Act. In 2012, the Permit Extension Act was amended by Chapter 238 of the Acts of 2012 and Chicopee River Basin permits were extended an additional two years to May 31, 2017.

On January 4, 2016, MassDEP informed the permittee that MassDEP would need additional time before making a determination on permit renewal applications in order to ensure that all permit renewal applicants fully understood the new Water Management Regulations (discussed below), and to give proper consideration to all permit renewal applications. Pursuant to M.G.L. c. 30A, §

13, and 310 CMR 36.18(7), the Permit remains in full force and effect until MassDEP issues a final decision on the 2016 permit renewal permit application.

Permit Renewal Application: On May 23, 2016, McLaughlin & Palmer applied to MassDEP for a permit renewal in the Chicopee River Basin. On May 6, 2024, MassDEP issued a Permit Renewal Order to Complete (OTC) outlining specific information that was required to renew the permit. McLaughlin & Palmer responded on June 11, 2024.

The expiration date for all WMA permits going forward in the Chicopee River Basin will be May 31, 2033, in order to restore the staggered permitting schedule set forth in the Water Management Regulations.

The Water Management Act (M.G.L.c.21G)

The WMA requires the Department to issue permits that balance a variety of factors including without limitation:

- Impact of the withdrawal on other water sources;
- Water available within the safe yield of the water source;
- Reasonable protection of existing water uses, land values, investments and enterprises;
- Proposed use of the water and other existing or projected uses of water from the water source;
- Municipal and Massachusetts Water Resources Commission (WRC) water resource management plans;
- 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.

Water Management Regulation Revisions

In 2010 the Executive Office of Energy and Environmental Affairs (EEA) convened the Sustainable Water Management Initiative (SWMI) for the purpose of incorporating the best available science into the management of the Commonwealth's water resources. SWMI was a multi-year process that included a wide range of stakeholders and support from the Departments of Environmental Protection, Fish and Game, and Conservation and Recreation. In November 2012 the *Massachusetts Sustainable Water Management Initiative Framework Summary* (<http://www.mass.gov/eea/docs/eea/water/swmi-framework-nov-2012.pdf>) was released.

On November 7, 2014, the Department adopted revised Water Management Regulations at 310 CMR 36.00 that incorporate elements of the SWMI framework and the Water Conservation Standards adopted by the Massachusetts WRC. The regulations reflect a carefully developed balance to protect the health of Massachusetts' water bodies while meeting the needs of businesses and communities for water.

Without limitation, the Department has incorporated the following into Water Management permitting:

- Safe yield determinations for the major river basins based on a new methodology developed through SWMI (see the Safe Yield in the Chicopee River Basin section of this

document). For more information on the Safe Yield methodology, go to the November 28, 2012 SWMI Framework Summary and Appendices;

- Water conservation and performance standards reviewed and approved by the WRC in July 2018 (<https://www.mass.gov/doc/massachusetts-water-conservation-standards-2>) (Details on the 2018 Massachusetts Water Conservation Standards | Mass.gov); including without limitation;
 - a water conservation program that includes leak detection and repair, full metering of the system and proper maintenance of the meters, periodic review of pricing, and education and outreach to residents and industrial and commercial water users; and
- Environmental protections developed through SWMI, including without limitation;
 - protection for coldwater fish resources;
 - minimization of withdrawal impacts in areas stressed by groundwater use; and
 - mitigation of the impacts of increasing withdrawals

Safe Yield in the Chicopee River Basin

This permit is being issued under the safe yield methodology adopted by the Department on November 7, 2014, and described in the regulations at 310 CMR 36.13. As of the date of issuance of this permit, the safe yield for the Chicopee Basin is 353.1 million gallons per day (MGD), and total registered and permitted withdrawals are 204.43 MGD. The maximum withdrawals that will be authorized in this permit, and all other permits currently under review by the Department within the Chicopee River Basin, will be within the safe yield and may be further conditioned as outlined in the regulations. As noted above this permit does not allocate any additional withdrawal volumes, so it will not impact the safe yield of the Chicopee River Basin.

Findings of Fact for Permit Conditions in McLaughlin & Palmer's Water Management Act Permit

The following Findings of Fact for the special conditions included in the permit generally describe the rationale and background for each special condition in the permit. This summary of permit special conditions is not intended to, and should not be construed as, modifying any of the permit special conditions. In the event of any ambiguity between this summary and the actual permit conditions, the permit language shall control.

Special Condition 1, Maximum Authorized Annual Average Withdrawal Volume, Special Condition 1 of McLaughlin & Palmer's prior WMA Permit authorized an additional 1.03 MGD from McLaughlin Hatchery Well #4 in the Chicopee River Basin. This permitted volume is in addition to the 6.43 MGD that the permittee is authorized to withdraw by their WMA Registration #1-08-024.02.

The Water Management Regulations, 310 CMR 36.03, define baseline to mean the volume of water withdrawn during calendar year 2005 plus 5%, or the average annual volume withdrawn from 2003 through 2005 plus 5%, whichever is greater provided that:

1. baseline cannot be less than a permittee's registered volume;
2. baseline cannot be greater than the permittee's authorized volume for 2005; and
3. if, during the period from 2003 to 2005, the permittee's withdrawals from the water source were interrupted due to contamination of the source or construction of a

treatment plant, the Department will use best available data to establish a baseline volume from the water source.

McLaughlin & Palmer's baseline is the annual average volume withdrawn for the year 2005 (6.78 MGD) plus 5% or 7.12 MGD.

Table 1: McLaughlin & Palmer's System-Wide Water Withdrawals

Withdrawal Basin	Permitted Volume (MGD)	Registered Volume (MGD)	Total Allocation (MGD)	Actual Withdrawals (MGD)*				
				2023	2022	2021	2020	2019
Chicopee	1.03	6.43	7.46	1.10	0.97	1.41	1.37	1.36

**Note: in 2017 McLaughlin & Palmer started receiving 6.0 MGD from the Massachusetts Water Resources authority (MWRA) instead of withdrawing that volume from their registered/permited sources.*

As shown in Table 1 above, the permittee's recent actual withdrawal volumes have been substantially below the annual average daily withdrawal volume authorized by their prior permit and registration and substantially below its baseline volume of 7.12 MGD (6.43 MGD registered + 0.69 MGD permitted) because of the water supplied by the MWRA.

Special Condition 1 of the Water Management Act (WMA) Permit limits the McLaughlin and Palmer withdrawals to its baseline volume of 7.12 MGD. Should the MWRA water not be available, and the permittee files and obtains a permit amendment with a plan to mitigate withdrawals above baseline to the greatest extent feasible, then withdrawals may be returned to 7.46 MGD (6.43 MGD registered + 1.03 MGD permitted).

Special Condition 2, Maximum Authorized Daily Withdrawal from Withdrawal Point, specifies that withdrawals from individual withdrawal points are not to exceed the approved maximum daily volumes listed below without specific advanced approval from the Department.

Special Condition 3, Water Conservation Requirements, incorporates water conservation requirements for the facility.

Other WMA Considerations

Minimization of Groundwater Withdrawal Impacts in Stressed Subbasins

Permittees with groundwater sources in subbasins with an August net ground water depletion (NGD¹) of 25% or more are required to minimize their withdrawal impacts on those subbasins to the greatest extent feasible through water conservation and demand management measures that go beyond standard WMA permit requirement.

¹ The Water Management Regulations, 310 CMR 36.03, define August net groundwater depletion to mean the unimpeded median flow for August minus 2000-2004 groundwater withdrawals plus 2000-2004 groundwater returns described by U.S. Geological Survey in Indicators of Streamflow Alteration, Habitat Fragmentation, Impervious Cover and Water Quality for Massachusetts Stream Basins.

McLaughlin & Palmer's permitted groundwater source is located in subbasin 17040, which has an August NGD of 6.8%. Therefore, the renewed WMA Permit does not include minimization requirements.

Cold Water Fish Resources (CFR) Protection

Water Management Act Permittees with withdrawals that may impact the streamflow of a CFR (identified on subbasin maps) are required to evaluate methods for reducing impacts on CFRs through feasible optimization. All the permittee's sources at the McLaughlin Hatchery are in subbasin 17040 which contains a CFR identified by the Department of Fish and Game (Swift River). MassDEP has not required a CFR optimization review because all of McLaughlin's sources are located in the same subbasin so shifting withdrawals to other withdrawals points is not an option. In addition, because of the water supplied by MWRA actual withdrawals are approximately 25% of the volume registered at this facility.

Mitigation

Permittee's requesting an increase above their baseline withdrawal must undertake mitigation commensurate with the impact of their increased withdrawals on the basins where the permittees' sources are located. These include individual and cumulative impacts that increased withdrawals may have on the Biologic Category (BC) or Groundwater Withdrawal Category (GWC) of subbasin² where the withdrawal takes place and downstream subbasins. As stated above, the WMA Permit limits the total authorized volume to 7.12 MGD, its baseline volume. Given this limit, the WMA Permit does not require mitigation at this time. If McLaughlin and Palmer files a permit amendment application seeking to increase its total authorized volume up to the 7.46 MGD previously authorized and as identified in Special Condition 1, the permittee will be required to submit a mitigation plan along with its permit amendment application and to implement the mitigation plan as approved by MassDEP prior to withdrawing more than its baseline volume of 7.12 MGD.

² Subbasins used for WMA permitting are the 1,395 subbasins delineated by the U.S. Geological Survey in *Indicators of Streamflow Alteration, Habitat Fragmentation, Impervious Cover, and Water Quality for Massachusetts Stream Basins* (Weiskel et al., 2010, USGS SIR 2009-5272).



Department of Environmental Protection

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DRAFT WATER WITHDRAWAL PERMIT
#9P-1-08-024.01
McLaughlin & Palmer State Fish Hatchery

This renewal of Permit #9P-1-08-024.01 is approved pursuant to the Massachusetts Water Management Act (WMA) 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: 9P-1-08-024.01

RIVER BASIN: Chicopee

PERMITTEE: McLaughlin & Palmer State Fish Hatchery

EFFECTIVE DATE: TBD

EXPIRATION DATE: May 31, 2033

NUMBER OF WITHDRAWAL POINTS: 1

Groundwater: 1

Surface Water: 0

USE: Fish Hatchery

DAYS OF OPERATION: 365

LOCATION(S):

Table 1: Withdrawal Point Identification

Source Name	Source Code	Location
McLaughlin Hatchery Well #4	WM3800-06G	East Street, Belchertown

SPECIAL CONDITIONS

1. Maximum Authorized Annual Average Withdrawal Volume

This permit authorizes the McLaughlin & Palmer (the “Permittee”) to withdraw water from the Chicopee River Basin at the rate described below in Table 2. This permitted volume is in addition to the 6.43 million gallons per day (2,346.95 million gallons per year) previously authorized to McLaughlin & Palmer under Water Management Act Registration #1-08-024.02 for withdrawals from the Chicopee River Basin. The authorized withdrawal volume is expressed both as an annual average daily withdrawal rate (million gallons per day or MGD) and as a total annual withdrawal volume (million gallons per year or MGY) for each permit period of the permit term. The Department of Environmental Protection (MassDEP) 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 Withdrawal Volumes

Permit Periods	Total Authorized Raw Water Withdrawal Volumes Prior to Permit Amendment and Mitigation Plan			
	Permit		Permit + Registration	
	Daily Average (MGD)	Total Annual (MGY)	Daily Average (MGD)	Total Annual (MGY)
TBD to 5/31/2028	0.69	251.85	$0.69 + 6.43 = 7.12$	2,598.80
6/1/2028 to 5/31/2033	0.69	251.85	$0.69 + 6.43 = 7.12$	2,598.80
Permit Periods	Maximum Authorized Total Raw Water Withdrawal Volumes After Permit Amendment and Mitigation Plan			
	Permit		Permit + Registration	
	Daily Average (MGD)	Total Annual (MGY)	Daily Average (MGD)	Total Annual (MGY)
TBD to 5/31/2028	1.03	375.95	$1.03 + 6.43 = 7.46$	2722.90
6/1/2028 to 5/31/2033	1.03	375.95	$1.03 + 6.43 = 7.46$	2722.90

2. Maximum Authorized Daily Withdrawals from Withdrawal Point

Withdrawal from the following source is not to exceed the approved maximum daily rate listed in Table 3 without advance approval from the Department.

Table 3: Maximum Daily Withdrawal Volumes

Source Name	PWS Source Code ID	Maximum Daily Rate (MGD)
McLaughlin Hatchery Well #4	WM3800-06G	1.30

3. Water Conservation Requirements

At a minimum, McLaughlin & Palmer shall implement the following conservation measures forthwith. Compliance with the water conservation requirements shall be reported to MassDEP upon request, unless otherwise noted in Table 4.

Table 4: Minimum Water Conservation Requirements

Potable Water Conservation
<p>The McLaughlin State Fish Hatchery is staffed with 9 full-time employees. Potable water is provided by a well that yields less than 100,000 gpd. Two additional and similar sized domestic wells, one at each residence, provide potable water for each dwelling located on the hatchery grounds.</p> <p>The following actions will be undertaken to reduce the volume of potable water used at the hatchery:</p> <ol style="list-style-type: none">1. A full leak detection survey of the system will be undertaken every two years.2. A feasibility study to convert the dwellings and hatchery sanitary facilities to low flow fixtures (toilets, faucets, showers) will be undertaken within one year from final permit issuance, with a schedule for implementing what is feasible.3. A water conservation education program will be initiated within one year from permit issuance. The program will involve direct educational discussions with employees and occupants of the dwellings. Conservation awareness posters and information will be placed in appropriate locations throughout the station.4. Low flow fixtures are installed whenever routine maintenance occurs in the hatchery domestic system or at the residences.
Water Used in Fish Culture Operations
<p>Strict water management is practiced at all levels in the fish culture operations at the McLaughlin State Fish Hatchery. All water used in the culture operations is supplied via pumped wells or from the Quabbin Reservoir via a pipeline from the MWRA Chicopee Valley Aqueduct. Flow from all water sources is carefully monitored via electronic flow meters and is adjusted to support the biomass of fish on station at any given time. The hatchery manager and assistant managers monitor the water flow daily to ensure that all water use is kept to the minimum required to maintain the number of fish on station. All fish rearing units are checked, and maintained and any leaks are immediately addressed.</p> <p>The following water conservation practices will be formally adopted at the hatchery:</p> <ol style="list-style-type: none">1. A water conservation education program will be initiated. The program will involve educational discussions with the employees on the methods and reasons for conserving water in the culture operations. An educational information pamphlet will be developed. This program will encourage all employees to become active in water conservation at the hatchery.2. Information on water conservation practices from similar culture facilities in the US will be collected and reviewed. If any conservation practices are found to have merit, they will be implemented at the McLaughlin State Fish Hatchery where feasible and/or affordable.

GENERAL PERMIT CONDITIONS (applicable to all Permittees)

1. **Duty to Comply** The Permittee shall comply at all times with the terms and conditions of this permit, the 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 Permittee 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, §§ 15-17, M.G.L. c. 150, § 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.
- 6. Duty to Report** The Permittee shall submit annually, on a form provided by the Department, a certified statement of the withdrawal. Such report is to be received by the Department by the date specified by the Department. Such report must be submitted as specified on the report form.
- 7. Duty to Maintain Records** The Permittee shall be responsible for maintaining withdrawal and all other records as specified by this permit.
- 8. Metering** Withdrawal points shall be metered. Meters shall be calibrated annually. 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

Any person aggrieved by this decision may request an adjudicatory hearing on this Permit by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.01 within twenty-one (21) days of its receipt of this Permit. 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 Permit shall be included with a Notice of Claim. No request for an appeal of this Permit 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 Permittee, unless such person notifies the Permittee 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 by certified mail or hand delivered to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, Suite 900
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.

EXEMPTIONS

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

WAIVER

MassDEP may waive the adjudicatory hearing filing fee for any person who demonstrates to the satisfaction of MassDEP 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.

Duane LeVangie
Water Management Program Chief
Bureau of Water Resources

Date