



Commonwealth of Massachusetts  
Executive Office of Energy and Environmental Affairs

## Department of Environmental Protection

Address: 100 Cambridge Street, Suite 900, Boston MA 02114 | Phone: 617-292-5500

**Maura T. Healey**  
Governor

**Kim Driscoll**  
Lieutenant Governor

**Rebecca Tepper**  
Secretary

**Bonnie Heiple**  
Commissioner

April 8<sup>th</sup>, 2026

John D. DeKracker, Director of Development  
Spirtas Worldwide  
10167 Corporate Square Drive  
St. Louis, Missouri 62132

RE: Lenox Development, LLC  
WMA Permit # 9P2-1-02-150.02  
Program: Water Management Act  
Action: Draft Permit Renewal

Dear Mr. DeKracker:

Please find attached the following:

- Findings of Fact in Support of the Draft Water Management Act Permit Decision; and,
- **Draft** Water Management Act Permit #**9P2-1-02-150.02** for Lenox Development, LLC in the Housatonic River Basin.

Consistent with 310 CMR 36.27(6)-(8) of the Water Management Act Regulations, the Department intends to publish notice in the Environmental Monitor that a DRAFT Permit is available for review and comment for 30 days following 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 Housatonic River Basin. The Department expects to issue the final permit within 30 days of the close of the public comment period.

If you have any questions and would like to meet to discuss the permit, please contact Brittany Segill at [brittany.segill@mass.gov](mailto:brittany.segill@mass.gov) or (617) 960-6598, or me, Duane LeVangie, at [duane.levangie@mass.gov](mailto:duane.levangie@mass.gov) or (617) 780-1962.

Sincerely,

Duane LeVangie, Chief  
Water Management Act Program  
Bureau of Water Resources

Ecc: Lydia Olson, Massachusetts Rivers Alliance  
Soloe Dennis, Deputy Regional Director, MassDEP-Springfield

Sharepoint:\DWPWMA\Permit Renewals\Housatonic\Lee\Lee-Lenox Development – 9P2-1-02-150.02 – Draft Permit – 4-8-2026



重要 महत्वपूर्ण σημαντικός  
Important  
Կարևոր quan trọng مهم



## Communication for Non-English-Speaking Parties

### English

This document is important and should be translated immediately. If you need this document translated, please contact MassDEP's Diversity Director at the telephone number listed below.

### Español Spanish

Este documento es importante y debe ser traducido de inmediato. Si necesita este documento traducido, comuníquese con la Directora de Diversidad de MassDEP al número de teléfono que aparece más abajo.

### Português Portuguese

Este é um documento importante e deve ser traduzido imediatamente. Se precisar de uma tradução deste documento, entre em contato com o Diretor de Diversidade da MassDEP nos números de telefone listados abaixo.

### 繁體中文 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聯絡 MassDEP 多元化負責人。

### 简体中文 Chinese Simplified

本文件非常重要，应立即翻译。如果您需要翻译这份文件，请用下面列出的电话号码与 MassDEP 的多元化主任联系。

### Ayisyen Kreyòl Haitian Creole

Dokiman sa-a se yon bagay enpòtan epi yo ta dwe tradwi l imedyatman. Si ou bezwen dokiman sa a tradwi, tanpri kontakte Direktè Divèsite MassDEP la nan nimewo telefòn endike anba.

### Việt Vietnamese

Tài liệu này rất quan trọng và cần được dịch ngay lập tức. Nếu quý vị cần dịch tài liệu này, xin liên lạc với Giám đốc Đa dạng của MassDEP theo các số điện thoại ghi dưới đây.

### ប្រទេសកម្ពុជា Khmer/Cambodian

ឯកសារនេះគឺសំខាន់ហើយត្រូវបានបកប្រែភ្លាមៗ។ ប្រសិនបើអ្នកត្រូវការឱ្យគេបកប្រែឯកសារនេះ:

សូមទាក់ទងមកនាយកដ្ឋានពិពិធកម្មរបស់ MassDEP តាមលេខទូរស័ព្ទខាងក្រោម។

### Kriolu Kabuverdianu Cape Verdean

*Kel dokumentu li é inportáti y debe ser traduzidu imediatamenti. Se bu meste di kel dokumentu traduzidu, pur favor kontakta Diretor di Diversidádi di MassDEP na numeru abaxu indikadu.*

Contact Melixza Esenyie at 617-626-1282

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

TTY# MassRelay Service 1-800-439-2370 • <https://www.mass.gov/environmental-justice>  
(Version revised 7.22.2022) 310 CMR 1.03(5)(a)

## Русский Russian

Это важный документ, и он должен быть безотлагательно переведен. Если вам нужен перевод данного документа, пожалуйста, свяжитесь с директором по вопросам многообразия (Diversity Director) компании MassDEP по указанному ниже телефону.

## العربية Arabic

هذه الوثيقة مهمة ويجب ترجمتها على الفور. إذا كنت بحاجة إلى هذه الوثيقة مترجمة، يرجى الاتصال بمدير التنوع PMassDE على أرقام الهواتف المدرجة أدناه.

## 한국어 Korean

이 문서는 중요하고 즉시 번역해야 합니다. 이 문서의 번역이 필요하시다면, 아래의 전화 번호로 MassDEP의 다양성 담당 이사에 문의하시기 바랍니다.

## հայերէն Armenian

Այս փաստաթուղթը կարևոր է և պետք է անմիջապես թարգմանվի:  
Եթե Ձեզ անհրաժեշտ է այս փաստաթուղթը թարգմանել, դիմեք MassDEP-ի բազմազանության տնօրենին ստորև նշված հեռախոսահամարով:

## فارسی Farsi Persian

این سند مهم است و باید فوراً ترجمه شود.  
اگر به ترجمه این سند نیاز دارید، لطفاً با مدیر بخش تنوع نژادی MassDEP به شماره تلفن ذکر شده در زیر تماس بگیرید.

## Français French

Ce document est important et devrait être traduit immédiatement. Si vous avez besoin de ce document traduit, veuillez communiquer avec le directeur de la diversité MassDEP aux numéros de téléphone indiqués ci-dessous.

## Deutsch German

Dieses Dokument ist wichtig und sollte sofort übersetzt werden. Sofern Sie eine Übersetzung dieses Dokuments benötigen, wenden Sie sich bitte an den Diversity Director MassDEP unter der unten aufgeführten Telefonnummer.

## Ελληνική Greek

Το παρόν έγγραφο είναι σημαντικό και θα πρέπει να μεταφραστεί αμέσως. Αν χρειάζεστε μετάφραση του παρόντος εγγράφου, παρακαλούμε επικοινωνήστε με τον Διευθυντή Διαφορετικότητας του MassDEP στους αριθμούς τηλεφώνου που αναγράφονται παρακάτω.

## Italiano Italian

Comunicazione per parti che non parlano inglese. Questo documento è importante e dovrebbe essere tradotto immediatamente. Se avete bisogno di questo documento tradotto, potete contattare il Direttore di Diversità di MassDEP al numero di telefono elencato di seguito.

## Język Polski Polish

Dokument ten jest ważny i powinien zostać natychmiast przetłumaczony. Jeśli potrzebujesz przetłumaczonej wersji dokumentu, prosimy o kontakt z dyrektorem ds. różnorodności MassDEP pod jednym z numerów telefonu wymienionych poniżej.

## हिन्दी Hindi

यह दस्तावेज़ महत्वपूर्ण है और इसका तुरंत अनुवाद किया जाना चाहिए. यदि आपको इस दस्तावेज़ का अनुवाद करने की आवश्यकता है, तो कृपया नीचे सूचीबद्ध टेलीफोन नंबरों पर मासडेपस डाइवर्सिटी के निदेशक से संपर्क करें.

Contact Melixza Esenyie at 617-626-1282

Massachusetts Department of Environmental Protection

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**DRAFT Finding of Fact in Support of  
Water Management Permit #9P2-1-02-150.02  
LENOX DEVELOPMENT LLC**

The Department of Environmental Protection (the Department or MassDEP) has completed its review of the 2015 permit renewal application and the 2009 Modified Water Management Act Permit (2009 Modified WMA Permit) for Lenox Development LLC (Lenox LLC).

The Department is issuing the Renewed Water Management Permit #9P2-1-02-150.02 (the “Renewed WMA Permit”) in accordance with the Water Management Act (M.G.L. c. 21G) and the regulations promulgated thereunder at 310 CMR 36.00. The Renewed WMA Permit supersedes the 2009 Modified WMA Permit. The Department makes the following Findings of Fact in support of the attached Renewed WMA Permit and includes herewith its reasons for issuing the Renewed WMA Permit and for conditions of approval imposed, as required by M.G.L. c. 21G, § 11, and 310 CMR 36.00. The Renewed WMA 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 Renewed WMA Permit, after notice and hearing, in accordance with the provisions of 310 CMR 36.29(1).

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

The Water Management Act (Act) 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 Housatonic 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 ([Details on the 2018 Massachusetts Water Conservation Standards | Mass.gov](#)); including without limitation:
  - seasonal limits on nonessential outdoor water use;
  - 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 fishery resources;
  - minimization of withdrawal impacts in areas stressed by groundwater use; andmitigation of the impacts of increasing withdrawals.

### **Safe Yield in the Housatonic River Basin**

This Renewed WMA 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 Housatonic River Basin is 96.40 Million Gallons per Day (MGD), and total registered and permitted withdrawals are

30.61 MGD. The maximum withdrawals authorized in this permit, and all other permits currently under review by the Department within the Housatonic River Basin, will be within the safe yield and may be further conditioned as outlined in the regulations.

### **Lenox LLC Development's Water Withdrawal History**

MassDEP issued a Water Management Act permit (the 1997 WMA Permit) to Schweitzer Mauduit International Inc. (Schweitzer) in 1997. The 1997 WMA Permit did not authorize Schweitzer to withdraw more from its registered and permitted sources in the Housatonic River Basin than the volume previously authorized by Schweitzer's Registration. At the time MassDEP issued the 1997 WMA Permit, Schweitzer held Registration #10215002. The Registration authorized Schweitzer to withdraw an annual average volume of 6 MGD from four sources in the Housatonic River Basin, the Housatonic River, Laurel Lake, Well #2 and Well #4. The WMA Permit authorized Schweitzer to withdraw a portion of its 6 MGD registered volume from its newly permitted source, Well #5.

On August 4, 2009, MassDEP issued a modified Registration Statement (the 2009 Modified Registration) to reflect the transfer by Schweitzer to Laurel Lake Water and Power of Schweitzer's right to withdraw water from Laurel Lake. The 2009 Modified Registration reduced Schweitzer's registered volume to 4.6 MGD and removed Laurel Lake from the sources listed on the Registration Statement. The 2009 Modified Registration Statement identified Schweitzer as the holder of the Registration Statement and had an expiration date of December 31, 2017. The Permit Extension Act, 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 the expiration date for four years until December 31, 2019. The expiration date was further extended to April 7, 2023, by COVID-19 Order No. 42. The 2009 Modified Registration has not been renewed and is no longer in effect.

On August 4, 2009, MassDEP also issued a modified WMA Permit (the 2009 WMA Permit) to reflect the reduction in registered volume from 6 MGD to 4.6 MGD set forth in the 2009 Modified Registration. The 2009 Modified WMA Permit also listed Schweitzer as the Permittee. The 2009 Modified WMA Permit had an expiration date of May 31, 2012. The Permit Extension Act extended the expiration date by four years until May 31, 2016. By letter dated January 22, 2015, MassDEP approved the transfer of the 2009 Modified WMA Permit from Schweitzer to Lenox LLC. Because Lenox LLC submitted a permit renewal application in a timely manner (submitted on June 4, 2015), the 2009 Modified WMA Permit was administratively continued and is still in effect.

The Annual Reports submitted for the years 2012 through 2024 show that no water was withdrawn from any of the sources listed on the 2009 Modified Registration or the 2009 Modified WMA Permit.

The Renewed WMA Permit will be in effect until May 31, 2032, in accordance with the schedule set forth in the Water Management Act Regulations, 310 CMR 36.17.

## **Findings of Fact for Permit Conditions in Lenox LLC Development's Renewed 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 the 2009 Modified WMA Permit authorized the permittee to withdraw water at the rate previously authorized by the registration: an annual average daily withdrawal volume of 4.6 MGD. Because the 2009 Modified Registration expired in 2023, Lenox LLC is no longer authorized to use its previously registered sources: the Housatonic River, Well #2 and Well #4.

Lenox LLC expressed interest in reestablishing the use of Well #4 in the future. Should Lenox LLC wish to add Well #4 as a permitted source, a permit amendment (WM02) will be required.

Special Condition 2 of the 2009 Modified WMA Permit established a maximum approved daily rate based on a pumping test for Well #5 of 1.44 MGD. Consistent with this constraint, Special Condition 1 of the Renewed WMA Permit limits Lenox LLC's permitted annual average daily withdrawal volume to 1.44 MGD or 565.60 Million Gallons per Year (MGY), the maximum approved daily rate for the permitted source, Well #5.

### **Special Condition 2, Maximum Authorized Daily Withdrawal Volumes from Each Withdrawal Point.**

Special Condition 2 of the Renewed WMA Permit maintains the maximum authorized daily withdrawal volume for Well #5 of 1.44 MGD set forth in the 2009 Modified WMA Permit.

### **Special Condition 3, Water Conservation Requirements**

Special Condition 3 of the 2009 Modified WMA Permit requires Lenox LLC to submit an annual report taken throughout the prior year and a description of any changes in water conservation actions. In addition, Special Condition 3 of the Renewed WMA Permit updates the water conservation requirements to reflect the Water Conservation Standards for the Commonwealth of Massachusetts reviewed and approved by the Water Resources Commission (WRC) in July 2018. ([Details on the 2018 Massachusetts Water Conservation Standards | Mass.gov](#)).

As Lenox LLC has not withdrawn water in recent years and does not anticipate resuming withdrawals in the near future, implementation of these water conservation requirements

is deferred until withdrawals from Well #5 resume, at which time the permittee shall submit a detailed water conservation program for MassDEP's review and approval.

#### **Special Condition 4, Metering**

Special Condition 4 of the Renewed WMA Permit requires Well #5 to be metered, and the meter to be calibrated annually should withdrawals resume.

#### **Former Special Condition 5, Aquifer Protection from Subsidence**

To prevent negative subsidence effects on the aquifer, Special Condition 5 of the WMA Permit required monitoring of groundwater surface elevations. Reports of data collected between 1993 and 2002 showed that minimal subsidence occurred during that period. Additional data submitted prior to issuance of the 2009 Modified WMA Permit showed that there had been no measurable changes in subsidence since 2001. In light of this data, the 2009 Modified WMA Permit required the permittee to continue observation of the water surface elevations and to report any occurrence when water surface elevation fell below 928.81 feet above sea level in Monitoring Well #8D. The 2009 Modified WMA Permit also suggested that the Department may eliminate the groundwater monitoring requirement when the permit was reviewed again.

Considering the removal of the registered sources, the lack of withdrawals since 2011, and the historical monitoring data indicating no measurable changes or impacts to the aquifer, MassDEP has removed Special Condition 5 from the permit.

#### **Other Potential Permit Requirements**

##### **Mitigation of Impacts for Withdrawals that Exceed Baseline Withdrawals**

Permittees requesting an increase above their baseline withdrawal rate must undertake mitigation activities commensurate with the impact of their increased withdrawals. Baseline withdrawal is 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:

- a) baseline cannot be less than a permittee's registered volume;
- b) baseline cannot be greater than the permittee's authorized volume for 2005; and
- c) 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, MassDEP will use best available data to establish a Baseline volume from the water source.

Lenox's baseline is 4.60 MGD, based on their authorized volume for 2005. Mitigation is not required at this time because the Permittee has an authorized volume of 1.44 MGD, which is less than the baseline.

### **Minimization of Groundwater Withdrawal Impacts in Stressed Subbasins**

Permittees with groundwater sources in subbasins<sup>1</sup> with a net ground water depletion (NGD<sup>2</sup>) of 25% or more during August 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 requirements.

Lenox's permitted groundwater source is located in subbasin 27017, which has an August NGD of 8.8%. Therefore, the renewed WMA Permit does not require minimization.

### **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. The Permittee's source is in subbasin 27017 that contains a CFR identified by the Department of Fish and Game. Given Lenox has only one withdrawal source, they do not have the ability to shift withdrawals to a source away from the CFR to minimize impacts. No additional work is required at this time.



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Secretary

**Bonnie Heiple**  
Commissioner

## 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 beyond the right to withdraw the volume of water for which it is issued.

**PERMIT NUMBER:** 9P2-1-02-150.02

**RIVER BASIN:** Housatonic

**PERMITTEE:** Lenox Development, LLC  
Sirtas Worldwide  
10167 Corporate Square Drive  
St. Louis, Missouri 62132

**EFFECTIVE DATE:** TBD

**PERMIT EXPIRATION DATE:** May 31, 2032

**NUMBER OF WITHDRAWAL POINTS: 1**

Groundwater: 1  
Surface Water: 0

**USE:** Industrial

**DAYS OF OPERATION:** 365

### SOURCES

**Table 1: Withdrawal Point Identification**

Source	Source ID	Location
Well #5	WM3717-04G	Lee, MA (Off Mill Valley Road)

## SPECIAL PERMIT CONDITIONS

### Special Condition 1: Maximum Authorized Annual Average Withdrawal Volume

This permit authorizes Lenox Development LLC (Lenox LLC) to withdraw water from the Housatonic River Basin at the rate described below in Table 2. The permitted volume is expressed both as an annual average daily withdrawal rate, MGD, and as a total annual withdrawal volume, million gallons per year (MGY), for each permit period over the term of this permit.

**Table 2: Housatonic River Authorized Withdrawal Rates**

Permit Period	Daily Average (MGD)	Total Annual (MGY)
XXX/2026 to 5/31/2027	1.44	525.60
6/1/2027 to 5/31/2032	1.44	525.60

### Special Condition 2: Maximum Authorized Daily Withdrawals from Each Withdrawal Point

Withdrawals from individual withdrawal points are not to exceed the approved maximum daily volumes listed below in Table 3 without specific advance written approval from MassDEP.

**Table 3: Maximum Authorized Daily Withdrawal Rate**

Source	Maximum Approved Withdrawal Rate (MGD)
Well #5	1.44

### Special Condition 3: Water Conservation Requirements

Prior to withdrawing water from Well #5, Lenox LLC shall submit to MassDEP for review and approval of a detailed water conservation program and implementation timetable based on water conservation standards established by the Water Resources Commission (WRC), or where the WRC has not established such standards, other industry-specific best management practices appropriate to the permitted water use.

### Special Condition 4: Metering

Well #5 shall be metered, and the meter shall be calibrated annually when withdrawals resume.

## GENERAL PERMIT CONDITIONS (applicable to all permittees)

No withdrawal in excess of 100,000 gallons per day over the registered volume (if any) shall be made following the expiration of this permit, unless the Department has received a timely permit renewal 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 Act, the Water Management Act regulations at 310 CMR 36.00, and all other 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 at reasonable times any property, facility, operation, equipment or activity involving the withdrawal of water, and to inspect and copy any relevant records, 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. 111, §§ 160, 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 the submittal of a transfer application in accordance with 310 CMR 36.33 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 as set forth in 310 CMR 4.00.
- 6. Duty to Report:** The permittee shall complete and submit annually, on a form provided by the Department, all of the information required by said form including, without limitation, a certified statement of the withdrawal. Such report shall be received by the Department by the date specified on the form each year. For public water supplier permittees, the report form is the MassDEP Drinking Water Program Public Water Supply Annual Statistical Report.
- 7. Annual Compliance Fee:** The permittee shall submit any applicable annual compliance fee as established in 310 CMR 4.00.
- 8. Duty to Maintain Records:** The permittee shall maintain withdrawal records and other information in sufficient detail to demonstrate compliance with this permit.

**9. Metering:** All withdrawal points included within the permit shall be metered. Meters are to be calibrated annually. Meters shall be maintained and replaced as necessary to ensure the accuracy of the withdrawal records.

**10. Amendment, Suspension, or Termination:** 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 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 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 the 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, including a copy of the fee transmittal form and a copy of the check, 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 or money order 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.

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Duane LeVangie  
Water Management Program Chief  
Bureau of Water Resources

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Date

### ENDNOTES

- [1] 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).
- [2] 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.