



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

November 7, 2025

Spencer Gowan  
Great Falls Aquaculture, LLC  
1 Australia Way  
Turners Falls, MA 01376

RE: Great Falls Aquaculture – BWR/WMA  
Water Management Act Permit  
WMA Permit: #9P-1-06-192.02

Dear Mr. Gowan,

Please find the attached documents:

- **DRAFT** Findings of Fact in Support of the Amended Water Management Act Permit #9P-1-06-192.02; and
- **DRAFT** Amended Water Management Act Permit #9P-1-06-192.02 (Connecticut River Basin) for Great Falls Aquaculture, LLC.

Consistent with 310 CMR 36.27(6)(8) of the Water Management Act Regulations, the Department will now publish notice in the Environmental Monitor that a **DRAFT** Permit is available for review and comment for 30 days following November 7, 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 Connecticut 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 document. If you have any questions regarding this information, please contact Emily Wilcox at [emily.wilcox@mass.gov](mailto:emily.wilcox@mass.gov) or me at (857) 276-5393 or via e-mail at [duane.levangie@mass.gov](mailto:duane.levangie@mass.gov).

Sincerely,

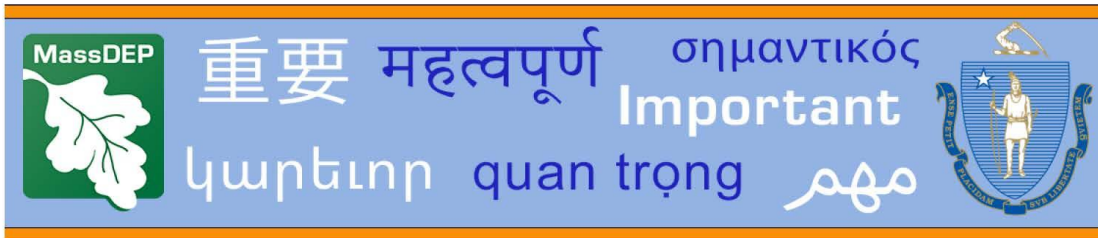
Duane LeVangie, Chief  
Water Management Program  
Bureau of Water Resources

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Ecc: Lydia Olson, Massachusetts Rivers Alliance  
Duane LeVangie, WMA Program Chief—Boston  
Soloe Dennis, Deputy Regional Director, MassDEP Springfield  
Andrea Donlon, Connecticut River Conservancy  
Ron Rhodes, Connecticut River Conservancy

[https://massgov.sharepoint.com/DEP-BWR/DWPWMA/Permit Renewals/Montague-Great Falls  
Aquaculture-DRAFT WMA Permit\\_9P-1-06-192.02\\_11-7-2025](https://massgov.sharepoint.com/DEP-BWR/DWPWMA/Permit%20Renewals/Montague-Great%20Falls%20Aquaculture-DRAFT%20WMA%20Permit_9P-1-06-192.02_11-7-2025)



## Communication for Non-English-Speaking Parties

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### **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**

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### **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，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 的多元化主任聯繫。

### **Ayisyen Kreyòl Haitian Creole**

Dokiman sa-a se yon bagay enpòtan epi yo ta dwe tradwi l imedyatman. Si ou bezwen dokimar 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 សូមទាក់ទងមកនាយកផ្នែកពិពិធកម្មរបស់ MassDEP តាមលេខទូរស័ព្ទខាងក្រោម។

### **Kriolu Kabuverdianu Cape Verdean**

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**Contact Deneen Simpson 857-406-0738**

**Massachusetts Department of Environmental Protection  
100 Cambridge Street 9<sup>th</sup> Floor Boston, MA 02114**

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(Version revised 4.21.2023) 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 թարգմանության 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.

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### Deutsch German

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### 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 डायवर्सिटी के निदेशक से संपर्क करें.

Contact Deneen Simpson 857-406-0738

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## **DRAFT** Findings of Fact in Support of **Water Management Permit # 9P-1-06-192.02** **Great Falls Aquaculture, LLC**

The Department of Environmental Protection (the Department or MassDEP) makes the following Findings of Fact in support of the attached **DRAFT** Water Management Act (WMA) Permit #9P-1-06-192.02 and includes herewith its reasons for issuing the Permit and for conditions of approval imposed, as required by M.G.L. c. 21G, § 11. The issuance of the WMA permit is in response to the November 28, 2016 permit renewal application submitted by Australis Aquaculture, LLC (the previous owner) for withdrawals in the Connecticut River Basin.

### **Great Falls Aquaculture's Withdrawal History**

#### **Original Permit:**

On July 28, 1994, Aquafuture Inc. was issued a WMA Permit (9P-1-06-192.02) to withdraw an average volume of 0.41 million gallons per day (MGD) or 149.65 million gallons per year (MGY) over 365-days through November 30, 2013. Aquafuture Inc. was authorized to withdraw water for the commercial fish hatchery from four groundwater sources (Wells #1, #2, #3, #4) in the Connecticut River Basin.

#### **Permit Transfers:**

The WMA permit was transferred from Aquafuture Inc. to Fins Technology, LLC and later to Mass Fin Tech, LLC on October 31, 2002. On July 14, 2004, the permit was transferred to Australis Aquaculture, who retained ownership until transferring the permit to Great Falls Aquaculture Inc. (GFA) on December 20, 2018. Throughout these transfers, the authorized withdrawal points and volume remained unchanged.

#### **Permit Modification:**

A 5-year WMA permit review was completed on September 28, 2009, which updated Special Condition 3 (Water Conservation) to require Australis Aquaculture to develop a Seasonal Demand Management Plan (SDMP) and an Industrial Water Conservation Plan in conjunction with WMA policy.



Permit Expiration Date:

All Connecticut River Basin water withdrawal permits were originally intended to expire on November 30, 2013. The expiration date in the Connecticut River Basin for all Water Management permits was extended for two years by Chapter 240 of the Acts of 2010 and further extended another two years by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act. Pursuant to M.G.L. c. 30A, § 13, and 310 CMR 36.18(7), the permit continues in force and effect until the Department issues a final decision on the permit renewal application. In accordance with 310 CMR 36.17 (1), the expiration date for GFA's permit in the Connecticut Basin will be November 30, 2033.

Permit Renewal Application:

On November 28, 2016, Australis Aquaculture submitted a permit renewal application. The application requested to decrease the total authorized withdrawal volume from 0.41 MGD to 0.22 MGD or 80.3 MGY. Furthermore, the renewal application stated that Well #4 was officially abandoned on October 28, 2016.

Since the renewal application was submitted, ownership was transferred to GFA on December 20, 2018. In the Order to Complete (OTC) issued to GFA on August 14, 2024, MassDEP requested confirmation on whether they wished to retain the current permitted volume of 0.41 MGD or proceed with the renewal application submitted by Australis, which proposed reducing the volume to 0.22 MGD. In GFA's response, they confirmed their decision to continue with the 0.22 MGD volume.

Permit Amendment Application:

On February 10, 2023, MassDEP contacted GFA requesting information on non-permitted water withdrawal wells that were being reported on the Annual Report Forms. GFA completed the source information table on February 21, 2023, that identified three newly constructed bedrock wells; Well #5 (constructed in 2019), Well #6 (constructed in 2020), and Well #8 (constructed in 2023).

On March 24, 2025, Great Falls Aquaculture (GFA) conducted a pumping test on wells #5, #6, and #8, based on a proposal submitted to MassDEP on January 8, 2025, and approved prior to the test. The test was in conjunction with the WMA Permit Amendment application submitted on March 27, 2025, to add the three wells to GFA's existing permit. The permit amendment application did not seek to increase total authorized withdrawal volume, but rather to expand the number of available sources on-site.

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

The Water Management Act (Act) requires MassDEP to issue permits that balance a variety of factors including without limitation:

- Impact of the withdrawal on other water sources;
- Time of year when the withdrawal will be made;
- 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 (<https://www.mass.gov/files/documents/2016/08/wf/swmi-framework-nov-2012.pdf>) was released.

On November 7, 2014, MassDEP 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, MassDEP 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 Connecticut River Basin section of this document);
- 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 Connecticut River Basin**

This 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. As of the date of issuance of this permit, the Safe Yield calculation for the Connecticut Basin is 1,866.5 MGD, and total registered and permitted withdrawals are 149.9 MGD. The maximum withdrawals that will be authorized in this permit, and all other permits currently under review by the Department within the Connecticut Basin, will be within the remaining safe yield and may be further conditioned as outlined in the regulations.

### **Findings of Fact for Permit Conditions in GFA's Water Management Act Permit**

The Findings of Fact for the special conditions included in this permit generally describe the rationale and background for each special condition. 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 PERMIT CONDITIONS**

### **Special Condition 1, Maximum Authorized Annual Average Withdrawal Volume**

Per the request in the WMA permit renewal application submitted in 2016, and confirmed by OTC response on January 29, 2025, the authorized withdrawal volume for GFA will be reduced from 0.41 MGD to 0.22 MGD or 80.3 MGY.

### **Special Condition 2, Maximum Authorized Daily Withdrawal from Withdrawal Points**

Withdrawals from permitted Wells #1, #2, #3, #5, #6, and #8 (Well #4 was abandoned in 2016) are not to exceed the approved maximum daily volume without specific advance written approval from the Department.

Due to operational constraints and the continuous water demands of the aquaculture facility, a conventional pumping test with longer recovery times and isolation of individual wells was not feasible during the March 2025 pumping test. Instead, GFA conducted a three-hour shutdown of all three wells, followed by staggered restarts to avoid disrupting operations and to protect the pumps, which are not typically shut down and restarted in unison.

The results suggested sustainable withdrawal rates of 0.064 MGD, 0.040 MGD, and 0.037 MGD for wells #5, #6, and #8, respectively. However, GFA requested slightly higher maximum daily withdrawal limits (0.070 MGD, 0.044 MGD, and 0.041MGD) to reflect operational needs, recent pumping history, and to allow flexibility for routine maintenance and pump variability. Given the facility's continuous operational demands, the limitations on how the test could be performed, the nature of the use (non-consumptive, flow-through system), system-wide use not being approved for an increase, and the location of the wells adjacent to the Connecticut River, MassDEP has approved the requested withdrawal rates.

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

In the 2018 permit, Special Condition 3 required GFA to complete and submit a Seasonal Demand Management Plan (SDMP) detailing what actions it will take to reduce its water consumption in the event of a declaration of Drought Advisory or higher by the Massachusetts Drought Management Task Force. In the OTC issued to GFA in 2024, MassDEP asked whether GFA had submitted the SDMP, as there was no record of its submission. GFA responded by saying that they have never submitted a SDMP because the facility does not have any non-essential water use. GFA stated that they do not irrigate the lawn or clean exterior surfaces, and internal cleaning is necessary to keep the facility clean for biosecurity and food security purposes. Where cleaning does not need sanitary water such as filter backwashing and screen cleaning, recycled process water is used.



310 CMR 36.28(3)(e) states that all permits shall be conditioned on the implementation of water conservation measures appropriate to the permitted use. Because all water pumped at the facility is essential to the core business function and does not include lawn/property irrigation, a SDMP will no longer be required for GFA.

### **Other Water Management Act Considerations**

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

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.

GFA's baseline is 0.15 MGD, the amount of water withdrawn during the calendar year 2005 plus 5%. The Water Management Regulations, 310 CMR 36.22(6) and (7), provide that permittees that seek to withdraw more than their baseline prepare and implement a mitigation plan. With a total authorized volume of 0.22 MGD, GFA is permitted to withdraw 0.07 MGD above its baseline making GFA a Tier 2 permittee. To be considered a Tier 2 permittee, the applicant must request a withdrawal greater than baseline, but the requested withdrawal does not result in a change in the biological category (BC), groundwater withdrawal category (GWC), or seasonal groundwater withdrawal category of the subbasin(s) from which it is made. Tier 2 applicants must undertake mitigation commensurate with the impact of their withdrawals above their baseline.

GFA has indicated that 100% of the withdrawn water is used for aquaculture and none is returned to groundwater. Under standard permitting requirements, this means that GFA has to mitigate for 0.07 MGD (70,000 gallons per day) or the equivalent of seven indirect mitigation credits.

Per 310 CMR 36.22(6), a Tier 2 applicant must submit a mitigation plan to offset withdrawals above baseline to the greatest extent feasible. The regulations define feasibility as the capability of implementation, taking into account anticipated environmental benefits, cost, available technology, and the permittee's legal authority to implement the action (310 CMR 36.03). MassDEP conducted various evaluations, including a comprehensive review of potential industry certifications, consultations with industry professionals, consideration of alternative regulatory pathways such as enhanced NPDES options, and internal discussions to explore all possible mitigation strategies. MassDEP has not identified any feasible mitigation measures available for GFA to implement. Therefore, MassDEP has determined that no mitigation will be required under this permit at this time. Again, it is important to note that GFA has reduced their allocation from 0.41 MGD to 0.22 MGD, a significant reduction in the volumes requested over their 0.15

MGD baseline volume. Should mitigation opportunities become available in the future, MassDEP will initiate a new mitigation conversation with GFA.

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

Minimization requires permittees with groundwater sources in subbasins with net groundwater depletion of 25% or more during August to minimize their withdrawal impacts on those subbasins to the greatest extent feasible. GFA is not required to prepare a minimization plan because the subbasin of GFA's withdrawals (14093) along the mainstream of the Connecticut River is undelineated, meaning there is no August net depleted groundwater value that can be calculated at this time.

#### Coldwater Fish Resource Protection

Coldwater Fish Resource Protection (CFR) protection was incorporated into the Water Management Regulations in November 2014. CFR Protection is not a condition of this permit because GFA's withdrawals do not impact any waters that MA Division of Fisheries and Wildlife has identified as supporting a coldwater fishery at this time.



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# Department of Environmental Protection

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Secretary

Bonnie Heiple  
Commissioner

**DRAFT WATER WITHDRAWAL PERMIT**  
**#9P-1-06-192.02**  
**GREAT FALLS AQUACULTURE, LLC**

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

**PERMIT NUMBER:** 9P-1-06-192.02

**RIVER BASIN:** Connecticut

**PERMITTEE:** Great Falls Aquaculture, LLC  
1 Australia Way  
Turners Falls, MA 01376

**EFFECTIVE DATE:** XXXXXX, 2025

**EXPIRATION DATE:** November 30, 2033

**NUMBER OF WITHDRAWAL POINTS:** 6  
Groundwater: 6  
Surface Water: 0

**USE:** Commercial Fish Hatchery

**DAYS OF OPERATION:** 365

**LOCATIONS:**

**Table 1: Withdrawal Point Identification**

Source	WMA ID#	Latitude	Longitude	Location
Well #1	WM10514-01G	42°35'19"	72°31'58"	Industrial Blvd., Turners Falls
Well #2	WM10514-02G	42°35'20"	72°31'58"	Industrial Blvd., Turners Falls
Well #3	WM10514-03G	42°35'19"	72°31'57"	Industrial Blvd., Turners Falls
Well #5	WM10514-05G	42°35'26"	72°31'47"	Industrial Blvd., Turners Falls
Well #6	WM10514-06G	42°35'31"	72°31'52"	Industrial Blvd., Turners Falls
Well #8	WM10514-08G	42°35'30"	72°31'51"	Industrial Blvd., Turners Falls

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MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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## SPECIAL PERMIT CONDITIONS

### 1. Maximum Authorized Annual Average Withdrawal Volume

This permit authorizes Great Falls Aquaculture, LLC (GFA) to withdraw water from the Connecticut River Basin at the rate described below in Table 2. The permitted 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 over the term of this permit. GFA does not have a WMA Registration.

**Table 2: Maximum Authorized Withdrawal Rates**

Permit Periods	Total Raw Water Withdrawal Volumes	
	Daily Average (MGD)	Total Annual (MGY)
X/X/2025 to 11/30/2033	0.22	80.3

### 2. Maximum Authorized Daily Withdrawal from Withdrawal Points

Withdrawals from permitted withdrawal points are not to exceed the approved maximum daily volumes listed below without specific advance written approval from MassDEP. The authorized maximum daily volume is identified below in Table 3. Maximum daily withdrawals must be provided in annual reporting forms.

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

Source Name	WMA ID#	Maximum Daily Rate (MGD)
Well #1	WM10514-01G	0.07
Well #2	WM10514-02G	0.35*
Well # 3	WM10514-03G	
Well #5	WM10514-05G	0.07
Well #6	WM10514-06G	0.044
Well #8	WM10514-08G	0.041

\*This limit is calculated as the cumulative daily withdrawal from both Wells #2 and #3.

### 3. Water Conservation Requirements

All water pumped at GFA's facility is essential to its core business operations and is not used for lawn irrigation, property maintenance, or exterior surface cleaning. Internal cleaning is necessary to maintain biosecurity and food safety standards. Additionally, where sanitary water is not required—such as for filter backwashing and screen cleaning—recycled process water is utilized. MassDEP requires GFA to continue efforts to recycle water and minimize overall water use at the facility. Upon request, GFA shall update the Department on efforts to minimize water use at the facility.

## GENERAL 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 up to the authorized volume 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 MassDEP at reasonable times to enter and examine any property or inspect and copy any 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 MassDEP pursuant to M.G.L. c. 21G, s. 15-17, M.G.L. c. 111, s. 160, or any other enabling authority.

**5. Transfer of Permits:** This permit shall not be transferred in whole or in part unless and until MassDEP approves such transfer in writing, pursuant to a transfer application on forms provided by MassDEP requesting such approval and received by MassDEP 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 the electronic Annual Report form (eARF) accessed through MassDEP's eDEP website, a statement of the withdrawal. Such report must be submitted annually by the date identified on eDEP each year, unless the permittee has explicit permission from the MassDEP Drinking Water program for an extension of time.

**7. Duty to Maintain Records:** The permittee shall be responsible for maintaining withdrawal records in sufficient detail to assess compliance with the conditions of this permit.

**8. Metering:** Withdrawal points shall be metered. Meters shall be calibrated annually. Meter shall be maintained and replaced as necessary to ensure the accuracy of the withdrawal records.

**9. Amendment, Suspension or Termination:** MassDEP may amend, suspend or terminate the permit in accordance with M.G.L. c. 21G and 310 CMR 36.29.

## **APPEALS**

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