



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

Alan Cervelli
Cervelli Farms, Inc
338 Vaughan Hill Road
Rochester, MA 02770

June 25, 2025

Town: Rochester
Program: Water Management Act (WMA)
WMA Permit #: 9P442425005
Accela ID: 24-WM03-0002-APP
Action: DRAFT Permit

Dear Mr. Cervelli:

The Massachusetts Department of Environmental Protection (MassDEP) received a Water Management Act (WMA) permit application (BRP WM03) on August 22, 2024 to withdraw 0.14 million gallons per day (MGD) over 365 days a year, or 50.19 million gallons per year (MGY) of water in the Buzzards Bay Basin for cranberry cultivation and crop irrigation.

MassDEP issued an Order to Complete (OTC) that contained a number of questions for your response on November 20, 2024. MassDEP received your OTC response on February 14, 2025. In the OTC response, you requested a lower water withdrawal volume of 0.11 MGD over 365 days a year, or 40.08 MGY for cranberry cultivation only. This permit reflects the updated requested water withdrawal volume for cranberry cultivation purposes only. Should there be changes to your operating practices inconsistent with this WMA permit (e.g., change in authorized withdrawal volumes, change in location of one or more withdrawal point, addition of one or more withdrawal point, change in use of the water, change in discharge point location, etc.), the Permittee shall contact MassDEP WMA Program staff to determine if a new permit or permit amendment is necessary.

Please find the following attached documents:

- Findings of Fact in Support of the **DRAFT** Permit Decision.
- **DRAFT** Water Management Act Permit for withdrawals by Cervelli Farms, Inc in the Buzzards Bay Basin.

Consistent with 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 from the **June 25, 2025** publication in the

Environmental Monitor. Notice of the comment period will also be sent to all registrants, permittees and those having non-consumptive use statements within the Buzzards Bay Basin. MassDEP expects to issue the final permit within 30 days of the close of the comment period.

If you have any questions regarding the draft permit, please contact Shi Chen at shi.chen@mass.gov or 857-360-0042.

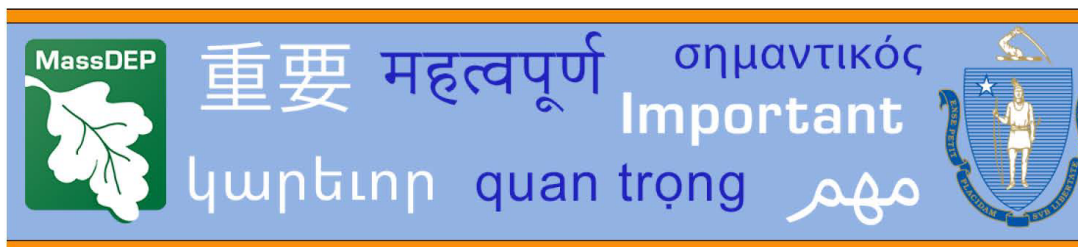
Sincerely,



Duane LeVangie
Water Management Program Chief
Bureau of Water Resources

cc: Branden Costa, DEP, SERO
Brian Wick, Cape Cod Cranberry Growers Association
Lydia Olson, Mass Rivers Alliance

[mass.gov.sharepoint.com/W:\DWPWMA\New Permits\Rochester-Cervelli Farms, Inc-9P442425005-DRAFT Permit-2025-06-25](https://mass.gov/sharepoint.com/W:\DWPWMA\New Permits\Rochester-Cervelli Farms, Inc-9P442425005-DRAFT Permit-2025-06-25)



Communication for Non-English-Speaking Parties

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Español Spanish

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Português Portuguese

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繁體中文 Chinese Traditional

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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
ហើយគួរត្រូវបានបកប្រែភ្លាមៗ។
ប្រសិនបើអ្នកត្រូវការអោយឯកសារនេះបកប្រែ
សូមទាក់ទងនាយកផ្នែកយុត្តិធម៌បរិស្ថានរបស់
MassDEPតាមរយៈលេខទូរស័ព្ទដែលបានរាយដូចខាងក្រោម។

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**

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(Version revised 8.2.2023) 310 CMR 1.03(5)(a)

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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, 패사추세츠 환경보호부의 "환경정의" 담당자 분께 문의하십시오. 전화번호는 아래와 같습니다.

հայերեն 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) Բնակապահական 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

Ten dokument jest ważny i powinien zostać niezwłocznie przetłumaczony. Jeśli potrzebne jest tłumaczenie tego dokumentu, należy skontaktować się z dyrektorem ds. sprawiedliwości środowiskowej MassDEP pod numerem telefonu podanym poniżej.

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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Findings of Fact in Support of **Draft Permit Decision Water Management Act Permit #9P4-4-24-250.05 Cervelli Farms, Inc**

The Massachusetts Department of Environmental Protection (MassDEP) has completed its review of Cervelli Farms, Inc's ("Cervelli Farms") Water Management Act (WMA) permit application filed on August 22, 2024. The Department hereby proposes to issue Water Management Permit #9P4-4-24-250.05 (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 Draft Permit and includes herewith its reasons for issuing the Draft 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).

In accordance with 310 CMR 36.17 (1), the expiration date for this permit in the Buzzards Bay Basin will be September 4, 2032.

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

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

- Impact of the withdrawal on other sources of water;
- Time of year when the withdrawal will be made;
- Water available within the safe yield of the 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, floodplains; 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, 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 Buzzards Bay Basin section of this document);
- Water conservation and performance standards reviewed and approved by the WRC in July 2018 (<https://www.mass.gov/files/documents/2018/09/11/ma-water-conservation-standards-2018.pdf>), including without limitation;
- Environmental protections developed through SWMI, including without limitation;
 - protection for coldwater fish resources;
 - minimization of withdrawal impacts in areas stressed by groundwater use;
 - mitigation of the impacts of increasing withdrawals.

Safe Yield in the Buzzards Bay 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 September 11,

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2024, the safe yield for the Buzzards Bay Basin water source is 148.40 million gallons per day (MGD), and total allocated withdrawals are 82.36 MGD. The maximum withdrawals that will be authorized in this permit, and all other permits currently under review by the Department within the Buzzards Bay 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 Cervelli Farms, Inc.'s Water Management Permit

The Department has developed a set of permit conditions at 310 CMR 36.28 that are considered for inclusion in each permit. Not all of these permit conditions apply to every permitted water withdrawal. In addition, some permits have unique permit conditions to address site-specific issues.

Findings of Fact for Cervelli Farms, Inc. Permit Conditions

In the case of Cervelli Farms, Inc.:

- permit conditions specific to public water suppliers do not apply;
- there are no vernal pools or wetlands requiring monitoring to assess withdrawal impacts;
- there are no coldwater fish resource (CFR) within the subbasin;
- minimization requirements do not apply because Cervelli Farms, Inc. water withdrawals are from surface water source;
- water conservation measures specific to cranberry production are required; and
- mitigation is required because there is no withdrawal records during the baseline period 2003-2005 and this permit authorizes water withdrawals for cranberry production greater than the permittee's baseline withdrawal volume for 2003-2005.

The following Findings of Fact are intended to describe the rationale, and to provide some additional detail, for each of the special conditions in the Cervelli Farms, Inc.'s permit. The summary of permit conditions, as part of MassDEP'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 ambiguity between the summary and the actual permit conditions, the Permit language shall be controlling.

Special Condition 1, Authorized Annual Withdrawal Volume, sets an annual average permitted withdrawal volume of 0.11 million gallons per day (MGD) for a total of 40.08 million gallons per year (MGY) over 365 days for the cultivation of 12.3 acres of permitted cranberry bog located at 338 Vaughan Hill Road in Rochester.

The historical formula for calculating water needs for cranberry cultivation assumes an average water requirement of 10 acre-feet of water per year for each acre of bog, or 3.26 MGY for each acre of bog. This formula and the thresholds established for WMA registration and permitting for cranberry bogs, were developed based on studies done by both the U.S. Department of Agriculture, Soil Conservation Service (now NRCS) and representatives of the Massachusetts

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cranberry industry. The permitted authorized withdrawal volume is calculated based on 10 acre-ft of water per acre of bog per year. This average volume requirement can be greatly reduced by instituting water conservation Best Management Practices (BMPs).

Special Condition 2, Authorized Cranberry Acreage, lists the permittee's acreage in the basin.

Special Condition 3, Water Conservation Requirements, reflects the need to continue implementing the Conservation Plan developed and approved by the USDA Natural Resources Conservation Service (NRCS). Within 5 years of the issuance of this permit, the Permittee shall review its Conservation Plan with a certified conservation planner and update as needed. Thereafter, the Plan shall be reviewed every 5 years or if major changes are made to the farm or its operating practices, such as those defined under 310 CMR 10.04 "Normal Improvements of Land in Agricultural Use", then those plans shall be updated as soon as possible. The Department will be confirming your efforts to review and update your plan as necessary in the future, based on the timelines required or the changes made in the future.

The Conservation Plan shall assure that the permittee has implemented where applicable water conservation BMPs for all of its bogs, including:

1. annual flume and dike repair maintenance;
2. use of low-volume sprinkler heads;
3. on-site water supply/tailwater recovery system;
4. return of all unconsumed water back to the water supply/tailwater recovery system;
5. laser leveling of bog sections; and
6. sequential flooding of bog.

The NRCS Conservation Farm plan shall document any exceptions from these BMPs.

Special Condition 4, Mitigation of Withdrawals over 2003-2005 Baseline, Cranberry Chart Book is required because there is no withdrawal record for the Cervelli Farms, Inc during the baseline period, therefore the permit authorizes additional water withdrawals. Mitigation for cranberry permittees that have or will increase the acreage in production above the volumes being irrigated in 2005 is to obtain and operate the bogs utilizing the recommendations and Best Management Practices outlined in the most recent Cranberry Chart Book to the extent feasible.

The Permittee is required to implement the recommendations of the most recent Cranberry Chart Book to reduce the impacts of the permitted water withdrawals and include cultivation best management practices that provide water quality benefits by:

1. optimizing the use of fertilizer per The Best Management Practice Guide and UMass Cranberry Chart Book recommendations for nutrient management;
2. retaining excess nutrients through an on-site water supply/tailwater recovery system; and reducing, whenever possible, nutrient and pesticide applications.

Coldwater Fish Resource Protection was incorporated into the Water Management Regulations in November 2014. Coldwater Fish Resource Protection is not a condition of this permit because Cervelli Farms' withdrawal in subbasin #22058 does not appear to impact any water that MA Division of Fisheries and Wildlife has identified as supporting coldwater fish at this time.

Minimization of Groundwater Withdrawal Impacts in Stressed Subbasins requires permittees with permitted groundwater sources in subbasins¹ with net groundwater depletion of 25% or more during August to minimize their withdrawal impacts on those subbasins to the greatest extent feasible. Minimization of Groundwater Withdrawal Impacts is not a condition of this permit at the present time since the permittee is withdrawing from surface water sources only.

General Conditions applicable to all WMA permits are included.

The Department utilized the following information during the review of the application: the Massachusetts Geographic Information System (GIS). The data layers used included: 1997 through 2017 aerial photography, water supply layers, wetlands-related layers, natural habitat layers, DFW Coldwater Fisheries layer, flood zones and USGS maps.

Please note annual reporting requirements, your renewal date, and any conditions that may apply. The regulations governing this statement can be found at 310 CMR 36.00-36.44. DEP's Timely Action and Fee Provision, 310 CMR 4.00, authorizes an annual compliance fee for Water Management Act registrations and permits. Please also note that this permit is for cranberry cultivation only; any change in use is subject to Department review and may require a permit application.

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).

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DRAFT WATER WITHDRAWAL PERMIT M.G.L. 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: 9P4-4-24-250.05

WATERSHED: Buzzards Bay

PERMITTEE: Cervelli Farms, Inc.
338 Vaughan Hill Road
Rochester, Massachusetts 02770

EFFECTIVE DATE: **DRAFT**

EXPIRATION DATE: September 4, 2032

USE: Cranberry Cultivation

DAYS OF OPERATION: 365

NUMBER OF WITHDRAWAL POINTS: 1 surface water source

LOCATION(S):

Source	Latitude	Longitude	Location
Pond	41.74687	-70.84439	338 Vaughan Hill Rd, Rochester, MA

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SPECIAL CONDITIONS

1. Authorized Annual Withdrawal Volume

This permit authorizes the withdrawal of water from a source in the Buzzards Bay Basin. The permitted volume is expressed in millions of gallons, both as an average daily volume that may be withdrawn, and as a total volume that may be withdrawn annually from this source for the permit term. The withdrawal volume is based on 10 acre-ft of water per acre of bog per year.

Withdrawals are authorized as follows:

Permit Period	Authorized Withdrawal Volume	
	Permit	
X/XX/2025 to 9/4/2032	Daily Average (MGD)	Total Annual (MGY)
	0.11	40.08

2. Authorized Cranberry Acreage

This permit authorizes Cervelli Farms, Inc. to withdraw water from the permitted withdrawal point at 338 Vaughan Hill Road in Rochester, for the cultivation of 12.3 acres of cranberry bog.

Source	Permitted Acres
Pond, 338 Vaughan Hill Road, Rochester	12.3

3. Water Conservation Requirements

The Cervelli Farms Bog previously had a Conservation Plan approved by a certified USDA Natural Resources Conservation Service conservation planner. Cervelli Farms, Inc. shall review this Conservation Plan with a certified USDA Natural Resources Conservation Service conservation planner within 5 years of issuance of this permit. The Permittee shall review its Conservation Plan with a certified conservation planner, and update as needed, every 5 years thereafter, or if major changes are made to the farm or its operating practices, such as those defined under 310 CMR 10.04 "Normal Improvements of Land in Agricultural Use", then those plans shall be updated as soon as possible. The Department will be confirming your efforts to review and update your plan as necessary in the future, based on the timelines outlined above or the major changes made to the farm.

Cervelli Farms, Inc. shall adhere to the following Water Conservation Best Management Practices (BMP's) as applicable. The BMPs will be defined as follows:

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The BMPs are broken up into two categories: Structural BMPs and Operational BMPs. The BMPs are further defined as:

Structural BMPs

- Land Smoothing: bogs laser leveled (or equivalent) to 6 inches.
- Implementation of tail water recovery system or return of water to source of origin.
- Sprinkler Irrigation systems (in lieu of flood irrigation) including construction or replacement of main water lines, and water control structures (dike and flumes) in accordance with the recommendations contained in the “Irrigation Management” Best Management Practice Guidelines, published by the University of Massachusetts, Cranberry Experiment Station.
- Construction of interior dikes to divide bog parcels into sections that will conserve water.

Operational BMPs

Operational BMPs shall include the following BMPs published by the University of Massachusetts Cranberry Experiment Station.

- “Irrigation Management”: Covering the use of tensiometers, water level float and irrigation system performance.
- “Frost Management”: Covering the need for monitoring weather conditions, tolerance and irrigation system performance.
- “Flood Management”: Covering the use of sequential harvesting, and winter flooding.
- “Water Resource Protection and Enhancement”: Covering the definition of use of tailwater and laser leveling.
- Best Management Practices for Cranberry Growers with Anadromous Fish, Published by the Cape Cod Cranberry Growers’ Association, 1998.

The NRCS Conservation Farm plan shall document any exceptions from these BMPs.

4. Mitigation of Withdrawals over 2003-2005 Baseline: Chart Book

The Permittee shall review and implement, as applicable, guidance from the most recent update of the Cranberry Chart Book, published and distributed by the University of Massachusetts Cranberry Experiment Station. The Chart Book is provided free of charge and is freely available on the UMass Cranberry Experiment Station’s website. The Permittee shall register its contact information with the Experiment Station to receive the annual Chart Book editions.

Specific provisions of the Permittee’s implementation of the Chart Book that mitigate the impacts of the permitted water withdrawals include cultivation best management practices that provide water quality benefits by:

1. optimizing the use of fertilizer per The Best Management Practice Guide and UMass Cranberry Chart Book recommendations for nutrient management;

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2. retaining excess nutrients through an on-site water supply/tailwater recovery system; and
3. reducing, whenever possible, nutrient and pesticide applications.

Permittees will be required to attest to adherence to applicable Cranberry Chart Book guidance upon the Department's request and at the time of the next permit renewal.

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 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 to enter and examine any property, inspect and monitor the withdrawal, and 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 MassDEP 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 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 36.37.
6. **Duty to Report** The Permittee shall submit annually, on a form provided by MassDEP, a certified statement of the withdrawal. Such report is to be received by MassDEP by the date specified by MassDEP. Such report must be mailed or hand delivered to the address specified on the report form.
7. **Duty to Maintain Records** The Permittee shall be responsible for maintaining withdrawal records as specified by this permit.
8. **Amendment, Suspension or Termination** The Department may amend, suspend or terminate this permit in accordance with M.G.L. c. 21G or 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

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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 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.

Duane LeVangie
Water Management Program Chief
Bureau of Water Resource

Date