



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

January 6, 2025

Gail Calvanese
Hazen Paper Company
240 South Water Street
Holyoke, MA 01040

RE: Hazen Paper Company
Water Management Act Permit
WMA Permit: #9P2-1-02-113.01
Action: Final Permit Renewal

Dear Ms. Calvanese,

Please find the attached documents:

- Findings of Fact in support of the Water Management Act Renewed Permit #9P2-1-02-113.01; and
- Water Management Act New Permit #9P2-1-02-113.01 (Housatonic River Basin) for Hazen Paper Company.

If you have any questions regarding the final permit, please contact Emily Wilcox at emily.wilcox@mass.gov or 857-276-5393.

Sincerely,

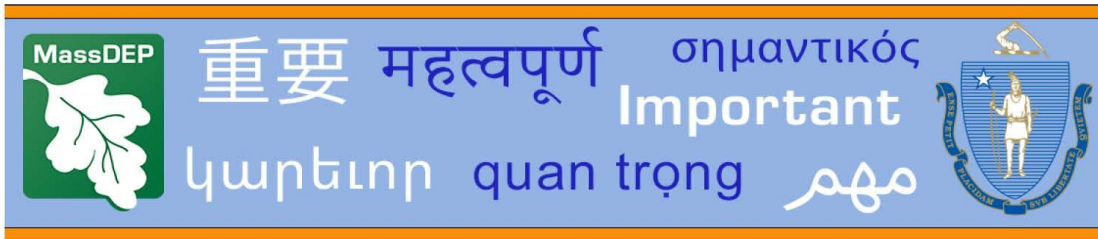
Duane LeVangie
Chief, Water Management Program
Bureau of Water Resources

Ecc: Lydia Olson, Massachusetts Rivers Alliance
Mike Gorski, Regional Director, MassDEP Springfield

[massgov.sharepoint.com/DEP-BWR/DWPWMA/Permit Renewals/Housatonic/Great Barrington-Hazen Paper WMA Permit 9P2-1-02-113.01_1-6-25](https://massgov.sharepoint.com/DEP-BWR/DWPWMA/Permit%20Renewals/Housatonic/Great%20Barrington-Hazen%20Paper%20WMA%20Permit%209P2-1-02-113.01_1-6-25)

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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 សូមទាក់ទងមកនាយកផ្នែកពិធីកម្មរបស់ 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 Deneen Simpson 857-406-0738

**Massachusetts Department of Environmental Protection
100 Cambridge Street 9th 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.

Français French

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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.

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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 Deneen Simpson 857-406-0738

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Findings of Fact in Support of Water Management Permit # 9P2-1-02-113.01 Hazen Paper Company

The Department of Environmental Protection (the Department or MassDEP) makes the following Findings of Fact in support of the attached Final Water Management Act (WMA) Permit #9P2-1-02-113.01 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 May 8, 2015 permit renewal application submitted by Hazen Paper Company (Hazen Paper) in the Housatonic River Basin.

Hazen Paper's Water Withdrawal History

Registered Sources:

Hazen Paper holds a Water Management Act Registration Statement (# 1-02-113.03) for an average annual daily withdrawal volume of 1.04 million gallons per day (MGD) from two wells, the Park Street Well (WM3712-01G) and the Park Street Well 2 (WM3712-02G) in the Housatonic River Basin.

Original Permit:

On March 5, 2003, WMA permit #9P2-1-02-113.01 was originally issued to Neenah Paper Fr, LLC. The permit authorized additional withdrawals of up to 0.46 MGD from the Park Street Wells and the Southwest Well (WM3712-03G) for a total allocation of 1.50 MGD including the registration volumes.

Permit Transfer:

On September 18, 2008, the registration (1-02-113.03) and permit (9P2-1-02-113.01) were transferred from Neenah Paper Fr, LLC to Hazen Paper Company due to a purchase of assets from Neenah.

Permit Extension Act:

All Housatonic River Basin water withdrawal permits were originally intended to expire on May 31, 2012. In 2010, the Permit Extension Act extended the expiration date of the permit for two years by Section 173 of Chapter 240 of the Acts of 2010. In 2012, the Permit Extension Act was

amended by Chapter 238 of the Acts of 2012, and the permit expiration date was then extended an additional two years to May 31, 2016. Consistent with 310 CMR 36.17(1), the expiration date for permits going forward in the Housatonic Basin will be May 31, 2032.

Permit Renewal Application:

On May 8, 2015, MassDEP received a WMA 20-year permit renewal application from Hazen Paper for their withdrawal in the Housatonic River Basin. The submitted application requested to maintain the permitted withdrawal volume of 0.46 MGD for a total of 1.50 MGD (registration and permit).

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;
- 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, 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 Housatonic River Basin section of

this document or for more information on the Safe Yield methodology, go to the November 28, 2012 SWMI Framework Summary and Appendices); 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 Housatonic 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 Housatonic River Basin is 96.4 MGD, and total registered and permitted withdrawals are 31.01 MGD as of July 22, 2024. The withdrawals authorized by this permit and all other permits within the Housatonic River Basin, will be within the safe yield of the Housatonic River Basin and may be further conditioned as outlined in the regulations.

Findings of Fact for Permit Conditions in Hazen Paper's Water Management Act Permit

The 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

Hazen Paper is authorized to withdraw 1.50 million gallons per day (MGD) or 549.3 million gallons per year (MGY) of water over 365 days annually from its three wells in the Housatonic River Basin. Hazen Paper has a registered volume of 1.04 MGD (#1-02-113.03) and a permitted volume of 0.46 MGD (#9P2-1-02-113.01).

On March 20, 2024, MassDEP issued Hazen Paper an Order To Complete (OTC) for their 20-year permit renewal application. On May 15, 2024, Hazen Paper responded to the OTC stating that, in order to avoid having to mitigate (see section below on mitigation), they have decided to reduce their authorized withdrawal to their baseline volume of 1.27 MGD for their three wells.

Hazen Paper's water withdrawals in recent years have been:

Hazen Paper Company's Annual Average Withdrawals (in MGD)				
2019	2020	2021	2022	2023
0.34	0.03	0.36	0.31	0.29

Special Condition 2, Maximum Daily Withdrawal from Authorized Withdrawal Points

Withdrawals from individual withdrawal points are not to exceed the approved maximum daily volumes without specific advance written approval from the Department. The authorized daily volume is the approved withdrawal rate of each source.

Special Condition 3, Wetlands Monitoring

As noted in the original permit issued in 2003 and again in the 2008 WMA permit, Wetlands Monitoring was not a requirement included in either permit. The wells are all set 600' deep through a confining layer and into bedrock. The recognition of this special condition will be removed from Hazen Paper's renewed permit.

Special Condition 3 (formerly Special Condition 4), Water Conservation

Special Condition 3 incorporates the Water Conservation Standards for the Commonwealth of Massachusetts reviewed and approved by the Water Resources Commission in July 2018 (<https://www.mass.gov/doc/massachusetts-water-conservation-standards-2/>).

Other Water Management Act Considerations

Mitigation

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.

Hazen Paper's baseline is 1.27 MGD, based on withdrawals made during calendar year 2005 plus 5%. Hazen Paper has chosen to reduce their authorized withdrawal amount to their Baseline volume of 1.27 MGD in order to avoid mitigation. Therefore, Hazen Paper is Tier 1 permittee, and no mitigation is required.

Minimization

Permittees with groundwater sources in subbasins having August net groundwater depletion (August NGD) of 25% or greater are required to develop a plan to minimize the impacts of their withdrawals. Hazen Paper's permitted groundwater sources are located in subbasins 27073, a subbasin with an August net groundwater depletion of 8.4%. Therefore, Hazen Paper does not need to prepare a Minimization Plan.

Coldwater Fish Resource (CFR) Protection

Permittees with withdrawals that impact streamflow of a CFR must evaluate reducing impacts to CFRs through feasible optimization. Hazen Paper's subbasin in the Housatonic River Basin contains CFRs identified by the Department of Fish and Game (DFG). After further evaluation, MassDEP in consultation with the DFG concluded that no coldwater fishery optimization will be required from Hazen Paper at this time because all three wells are located very close to each other and shifting withdrawals between them would not provide a significant benefit.

Responses to Public Comments

Comments on the Draft permit were received from the Massachusetts River Alliance (MRA) in a letter dated October 11, 2024. Below is a summary of the comments and MassDEP's responses.

Comments pertaining to the safe yield methodology used in permitting, data deficiencies, or implementation policies developed as part of the Sustainable Water Management Initiative (SWMI) are not within the scope of individual Water Management permits. MassDEP continues to work with all constituents to review programmatic requirements in forums outside of the development of individual permits. Comments on regulatory and policy issues and comments addressing modifications that are not aligned with current regulations are not included in this Findings of Fact.

Comment:

Hazen Paper's current withdrawal volumes are much less than not just its total withdrawal amount, but its registered amount as well; in years of normal operation, they withdraw between 28 and 35% of their registered volume of water. Therefore, we urge MassDEP to eliminate Hazen Paper Company's permitted volume entirely. We also ask that MassDEP reduce Hazen Paper's registered volume in the Housatonic, as the company is only withdrawing a fraction of their registered volume and we do not want to encourage further withdrawals from a groundwater-stressed basin.

Response:

As outlined above in Special Condition #1, Hazen Paper has chosen to reduce their total allocation volume from 1.5 MGD to 1.27 MGD. Hazen Paper's use is down because their Laminator is not being run at full capacity and they want to retain some permitted volume if they choose to increase production. Additionally, Hazen Paper is looking to revamp the current geothermal unit and add additional units. MassDEP has renewed this permit to allow Hazen Paper the flexibility to withdraw additional, although reduced, permitted volumes for economic development.

This review only involves the conditions associated with the renewal of this permit. Hazen Paper's registration was renewed in 2023 and is not subject to review at this time. Furthermore, the subbasin in which Hazen Paper is located (#27073) is not located in a groundwater-stressed basin. See responses below for more information.

Comment:

Because the subbasin is not August NGD (see above), Hazen Paper is not required by this Permit to develop and implement a minimization plan to address water withdrawals. To prevent increasing damage to the subbasin being impacted by well withdrawals, we urge MassDEP to impose minimization requirements for Hazen Paper to directly improve streamflow and habitat conditions in the affected subbasins.

Response:

310 CMR 36.22(5) states that a groundwater applicant with a withdrawal point(s) in a subbasin(s) having August net groundwater depletion of 25% or greater shall submit a plan to minimize the

impacts of the withdrawals to the greatest extent feasible. The subbasin (#27073) in which Hazen Paper withdraws water has an August NGD of 8.4%. Therefore, Hazen Paper is not required to prepare a Minimization Plan.

Comment:

There is also a coldwater fishery in subbasin 27073. The current withdrawal volumes are low but inflict impacts on the subbasin. After consulting with the Department of Fish and Game (DFG), MassDEP concluded that “no coldwater fishery optimization will be required from Hazen Paper at this time because all three wells are located very close to each other and shifting withdrawals between them would not provide a significant benefit.” We urge MassDEP to reconsider this conclusion and consider other options.

Response:

310 CMR 36.22(4) states that an applicant with a withdrawal point(s) impacting a coldwater fish resource(s) (CFR) shall, after consultation with the Department and EOEEA agencies, submit an evaluation of options for shifting withdrawals to the applicant’s other withdrawal points, if any, to minimize impacts at the CFR. As identified in the comment above, all three of Hazen Paper’s sources are located within a small distance of each other, within the same subbasin. Based upon our consultation with the Department of Fish and Game, MassDEP stands by the conclusion that no additional evaluation of shifting withdrawals is necessary at this time.



Department of Environmental Protection

100 Cambridge Street Suite 900 Boston, MA 02114 • 617-292-5500

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Lieutenant Governor

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Secretary

Bonnie Heiple
Commissioner

WATER WITHDRAWAL PERMIT 9P2-1-02-113.01 HAZEN PAPER COMPANY

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: 9P2-1-02-113.01

RIVER BASIN: Housatonic River

PERMITTEE: Hazen Paper Company
240 South Water Street
Holyoke, MA 01040

EFFECTIVE DATE: January 6, 2025

EXPIRATION DATE: May 31, 2032

NUMBER OF WITHDRAWAL POINTS: 3

Groundwater: 3

Surface Water: 0

USE: Industrial Paper Manufacturing

DAYS OF OPERATION: 365

LOCATIONS:

Table 1: Withdrawal Point Identification

Source	WMA ID#	Latitude	Longitude	Location
North Well	WM3712-01G	42° 14' 28"	73° 21' 26"	295 Park Street, Great Barrington
South Well	WM3712-02G	42° 14' 28"	73° 21' 26"	295 Park Street, Great Barrington
Southwest Well	WM3712-03G	42° 14' 28"	73° 21' 26"	295 Park Street, Great Barrington

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.

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SPECIAL PERMIT CONDITIONS

1. Maximum Authorized Annual Average Withdrawal Volume

This permit authorizes Hazen Paper Company to withdraw water, on average over a calendar year, from the Housatonic River Basin at the rate described below in Table 2. The permitted withdrawal volume is in addition to the 1.04 million gallons per day (MGD) previously authorized to Hazen Paper under Water Management Act Registration 1-02-113.03 for withdrawal from the Housatonic River Basin. 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 five-year period of the permit term.

Table 2: Housatonic River Authorized Withdrawal Rates

Permit Periods	Total Raw Water Withdrawal Volumes			
	Permit		Registration + Permit	
	Daily Average (MGD)	Total Annual (MGY)	Daily Average (MGD)	Total Annual (MGY)
1/6/2025 to 5/30/2027	0.23	83.95	1.04 + 0.23 = 1.27	463.55
5/31/2027 to 5/31/2032	0.23	83.95	1.04 + 0.23 = 1.27	463.55

2. Maximum Daily Withdrawal from Authorized Withdrawal Points

Withdrawals from permitted groundwater withdrawal points are not to exceed the approved maximum daily volumes listed below without specific advance written approval from MassDEP (Table 3). The daily rate is based on the existing pump capacity of each source. Pumping tests will be required in the event that an increase to the daily maximum rates listed here is requested by the permittee. In no event shall the combined withdrawals from the individual withdrawal points exceed the withdrawal volumes authorized above in Special Condition 1. Maximum daily withdrawals for individual sources must be provided in annual reporting forms.

Table 3: Maximum Daily Withdrawal Volumes

Source	Source Code	Maximum Daily Rate (MGD)
North Well	WM3712-01G	0.749
South Well	WM3712-02G	0.749
Southwest Well	WM3712-03G	0.084

3. Water Conservation

At a minimum, Hazen Paper shall implement the following conservation measures forthwith (Table 4). Compliance with the water conservation requirements shall be reported to MassDEP upon request, unless otherwise noted below.

Table 4: Water Conservation Standards for Industrial use

Carry Out a Water Audit to determine the location and amount of water used <i>Use the findings from the audit as the basis for actions to conserve water such as:</i> <ul style="list-style-type: none">• Recycling and reusing cooling water to achieve greatest water-use efficiency.• Using heat-sensitive controls and valves with cooling equipment.• Replacing water cooling with air cooling (where feasible within air quality standards).• Installing or retrofitting efficient sanitary water devices, performing scheduled meter maintenance and calibration.
Metering Master meters must be calibrated annually
Leak Detection Leaks are to be fixed as soon as possible but in no event shall any leak remain unrepaired more than seven (7) days after detection
Install Separate Meters for Process Water <i>Do this so that water can be accounted for and appreciated as a raw material in production.</i>
Develop and Implement a Water Savings Strategy <ul style="list-style-type: none">• Demand management• Leak detection and repairs• Program of preventative maintenance
Use Best Available Technologies for Water Conservation <ul style="list-style-type: none">• Reuse treated wastewater within the facility to the extent possible

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 Statistical Report (eASR) 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: All withdrawal points included within the permit shall be metered. Meters are to be calibrated annually.

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.

APPEAL RIGHTS AND TIME LIMITS

This permit is a decision of MassDEP. Any person aggrieved by this decision may request an adjudicatory hearing. Any such request must be made in writing, by certified mail and received by MassDEP within twenty-one (21) days of the date of receipt of this permit. No request for an appeal of this permit shall be validly filed unless a copy of the request is sent by certified mail, or delivered by hand to the local water resources management official in the community in which the withdrawal point is located; and for any person appealing this decision, who is not the applicant, unless such person notifies the permit applicant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to MassDEP.

CONTENTS OF HEARING REQUEST

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

FILING FEE AND ADDRESS

The hearing request, together with a valid check, payable to the Commonwealth of Massachusetts in the amount of \$100 must be mailed to:

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

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

EXEMPTIONS

The filing fee is not required if the appellant is a 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

January 6, 2025

Date