



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

FINAL

March 10, 2022

Parkview Condominium Association
Attn: Peter Simon, Chairman of the Board of Trustees
200 Swanton Street
Winchester, MA 02174

Town: Winchester
WMA Permit #: 9P2-3-19-344.03
Program: Water Management Act
Action: FINAL Permit Renewal

Dear Mr. Simon:

Please find the following attached:

- Findings of Fact in Support of the renewal of permit #9P2-3-19-344.03; and
- Water Management Act Permit #9P2-3-19-344.03 for the Parkview Condominium Association.

If you have any questions regarding this information, please contact Linjun Yao at (617) 556-1166 or Linjun.Yao@mass.gov.

Sincerely,

Duane LeVangie, Chief
Water Management Program
Bureau of Water Resources

ecc: Julia Blatt and Sarah Bowers, Massachusetts Rivers Alliance
Richard Doherty, ECR
Beth Rudolph, Elaine Vreeland, Bryan Manter, and James Gibbons, Town of Winchester
Jaurice Schwartz, Weston & Sampson
[mass.gov.sharepoint.com/W: DWPArchive\NERO\Winchester-9P231934403-WMA FINAL Permit-2022-3-10](https://mass.gov/sharepoint.com/W:DWPArchive\NERO\Winchester-9P231934403-WMA%20FINAL%20Permit-2022-3-10)

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Communication For Non-English Speaking Parties
- 310 CMR 1.03(5)(a)



1 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 numbers listed below.



2 Español (Spanish):

Este documento es importante y debe ser traducido inmediatamente. Si necesita este documento traducido, por favor póngase en contacto con el Director de Diversidad MassDEP a los números de teléfono que aparecen más abajo.



3 Português (Portuguese):

Este documento é importante e deve ser traduzida imediatamente. Se você precisa deste documento traduzido, por favor, entre em contato com Diretor de Diversidade da MassDEP para os números de telefone listados abaixo.



4(a) 中國（傳統）(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與 MassDEP 的多樣性總監聯繫。



4(b) 中国（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 的多样性总监联系。



5 Ayisyen (franse kreyòl) (Haitian) (French Creole):

Dokiman sa-a se yon bagay enpòtan epi yo ta dwe tradui imedyatman. Si ou bezwen dokiman sa a tradui, tanpri kontakte Divèsite Direktè MassDEP a nan nimewo telefòn ki nan lis pi ba a.



6 Việt (Vietnamese):

Tài liệu này là rất quan trọng và cần được dịch ngay lập tức. Nếu bạn cần dịch tài liệu này, xin vui lòng liên hệ với Giám đốc MassDEP đa dạng tại các số điện thoại được liệt kê dưới đây.



7 ប្រទេសកម្ពុជា (Kmer (Cambodian)):

ឯកសារនេះគឺមានសារៈសំខាន់និងគួរត្រូវបានបកប្រែភ្លាមៗ ប្រសិនបើអ្នកត្រូវបានបកប្រែ ឯកសារនេះសូមទំនាក់ទំនងឆ្នោតជាតិយក MassDEP នៅលេខទូរស័ព្ទដែលបានរាយ ខាងក្រោម។



8 Kriolu Kabuverdianu (Cape Verdean):

Es documento é importante e deve ser traduzido imidiatamente. Se bo precisa des documento traduzido, por favor contacta Director de Diversidade na MassDEP's pa es numero indicode li d'boche.



9 Русский язык (Russian):

Этот документ является важным и должно быть переведено сразу. Если вам нужен этот документ переведенный, пожалуйста, свяжитесь с директором разнообразия MassDEP по адресу телефонных номеров, указанных ниже.

**10 العربية (Arabic):**

هذه الوثيقة الهامة وينبغي أن تترجم على الفور. اذا كنت بحاجة الى هذه الوثيقة المترجمة، يرجى الاتصال مدير التنوع في PMassDE على أرقام الهواتف المدرجة أدناه.

**11 한국어 (Korean):**

이 문서는 중요하고 즉시 번역해야 합니다. 당신이 번역이 문서가 필요하다면 아래의 전화 번호로 MassDEP의 다양성 감독에 문의하시기 바랍니다.

**12 հայերեն (Armenian):**

Այս փաստաթուղթը շատ կարևոր է եւ պետք է թարգմանել անմիջապես. Եթե Ձեզ անհրաժեշտ է այս փաստաթուղթը թարգմանվել դիմել MassDEP բազմազանությունը տնօրեն է հեռախոսահամարների թվարկված են ստորև.

**13 فارسی (Farsi (Persian):**

این سند مهم است و باید فوراً ترجمه شده است. اگر شما نیاز به این سند ترجمه شده، لطفاً با ما تماس تنوع مدیر PMassDE در شماره تلفن های ذکر شده در زیر.

**14 Français (French):**

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

**15 Deutsch (German):**

Dieses Dokument ist wichtig und sollte sofort übersetzt werden. Wenn Sie dieses Dokument übersetzt benötigen, wenden Sie sich bitte Diversity Director MassDEP die in den unten aufgeführten Telefonnummern.

**16 Ελληνική (Greek):**

Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως. Αν χρειάζεστε αυτό το έγγραφο μεταφράζεται, παρακαλούμε επικοινωνήστε Diversity Director MassDEP κατά τους αριθμούς τηλεφώνου που αναγράφεται πιο κάτω.

**17 Italiano (Italian):**

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**18 Język Polski (Polish):**

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**19 हिन्दी (Hindi):**

यह दस्तावेज़ महत्वपूर्ण है और तुरंत अनुवाद किया जाना चाहिए. आप अनुवाद इस दस्तावेज़ की जरूरत है, नीचे सूचीबद्ध फोन नंबरों पर MassDEP की विविधता निदेशक से संपर्क करें.



Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

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Findings of Fact in Support of FINAL Water Management Permit # 9P2-3-19-344.03 Parkview Condominium Association

The Department of Environmental Protection (“MassDEP” or “the Department”) has completed its review of the Parkview Condominium Association (“Parkview” or “the Association”) Water Management Act (WMA) permit renewal application. This review was conducted of Parkview’s permit to withdraw water from the Boston Harbor Basin. The Department hereby proposes to issue Water Management Permit #9P2-3-19-344.03 (the “Permit”) in accordance with the Water Management Act (M.G.L.c.21G). The Department makes the following Findings of Fact in support of the attached Final Permit and includes herewith its reasons for issuing the Final Permit and for conditions of approval imposed, as required by M.G.L. c.21G, s. 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 modify, suspend or terminate the Permit, after notice and hearing, for violations of its conditions, of M.G.L.c.21G, or of regulations adopted or orders issued by the Department, and when deemed necessary for the promotion of the purposes of the Water Management Act.

The Department adopted revised Water Management Regulations at 310 CMR 36.00 on November 7, 2014, (described in greater detail below). Since that time, the Department has been working closely with each Water Management Act permittee to fully consider all aspects of their individual situations and ensure thoughtful and implementable permits.

The Parkview Condominium Withdrawal Summary

On June 29, 2000, the Department issued Parkview a WMA Permit for two wells in the Boston Harbor Basin. The original permit authorized Parkview to withdraw an average daily volume of 0.36 MGD over 365 days, for its residential heating and cooling system. On November 22, 2009, Parkview applied to renew this permit.

The Permit Extension Act

Parkview’s WMA permit was initially set to expire on February 28, 2010. The Department accepted a renewal application from Parkview on November 22, 2009. MassDEP issued an interim permit on February 28, 2010 to provide time for review of the renewal application. The interim permit was valid for one year from the date of issuance until February 28, 2011.

Subsequently, 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 all existing interim permits by four years. Therefore, WMA interim permit for withdrawals in the Boston Harbor Basin was extended to February 28, 2015. Because the term of the interim permit extends beyond the term of the original permit, Parkview's interim permit is the controlling permit.

On January 9, 2015, the Department informed the Association that the Department would need additional time before making a determination on the application in order to ensure that all permit renewal applicants in the Boston Harbor Basin fully understood the new Water Management Regulations (discussed below), and to give proper consideration to all permit renewal applications within the basin. Pursuant to M.G.L. c. 30A, § 13, and 310 CMR 36.18(7), Parkview's interim permit continues in force and effect until the Department issues a final decision on the permit renewal application.

The Department published notice of the permit renewal application in the Environmental Monitor for a second time on September 5, 2018. No comments were received.

The expiration date for all permits going forward in the Boston Harbor Basin will be February 28, 2030, in order to restore the staggered permitting schedule set forth in the regulations.

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

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

- Impact of the withdrawal on other water sources;
- Water available within the safe yield of the water source;
- Reasonable protection of existing water uses, land values, investments and enterprises;
- Proposed use of the water and other existing or projected uses of water from the water source;
- Municipal and Massachusetts Water Resources Commission (WRC) water resource management plans;
- Reasonable conservation consistent with efficient water use;
- Reasonable protection of public drinking water supplies, water quality, wastewater treatment capacity, waste assimilation capacity, groundwater recharge areas, navigation, hydropower resources, water-based recreation, wetland habitat, fish and wildlife, agriculture, flood plains; and
- Reasonable economic development and job creation.

Water Management Regulation Revisions

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

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

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

- Impact of the withdrawal on other water sources;
- Safe yield determinations for the major river basins based on a new methodology developed through SWMI (see description that follows);
- 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.
- 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.
- The special permit conditions in each Water Management Act permit.

Safe Yield in the Boston Harbor Basin

This permit is being issued under the safe yield methodology adopted by the Department on November 7, 2014, and described in the regulations at 310 CMR 36.13. As of the date of issuance of this permit, the Safe Yield for the Boston Harbor Basin is 54.9 million gallons per day (MGD), and total registered and permitted withdrawals are 37.94 MGD¹. The maximum withdrawals that will be authorized in this permit, and all other permits currently under review by the Department within the Boston Harbor Basin, will be within the Safe Yield and conditioned as outlined in the regulations. Withdrawal authorizations are further limited by other factors, such as the impact to local resources, water quality constraints, pumping rate limits placed on individual sources, and the regulatory requirement that permit holders demonstrate a need for the water. Also note that this permit actually reduces the previously allocated amount (see Special Condition 1) and as such will reduce the volume identified above as being registered and permitted by 0.18 mgd.

¹ The draft permit incorrectly identified the total registered and permitted withdrawals in the Boston Harbor Basin as 39.94 MGD. This value has been corrected in the final permit.

Findings of Fact for Permit Conditions

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 Findings of Fact also explain any changes to special conditions from prior permits, when applicable. 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, specifies the volumes withdrawn from the Boston Harbor Basin. The original permit issued in 2000 authorized Parkview to withdraw from its groundwater sources in the Boston Harbor Basin an annual average daily volume of 0.36 MGD for its residential heating and cooling system. Since MassDEP issued the original permit, the Association implemented several conservation measures that allowed Parkview to keep its withdrawals substantially below the authorized volume. In 2003, Parkview installed a heat transfer system that significantly reduced water demand. In 2010, Parkview converted its residential heating system to natural gas further reducing its demand for water. As a result of these actions, Parkview has not withdrawn more than an annual average daily volume of 0.15 MGD since 2005. Given its withdrawal history, Parkview has determined that it can live with an authorized annual average daily withdrawal volume of 0.18 MGD. Special Condition 1 reflects that determination.

Special Condition 2, Maximum Daily Withdrawals from Groundwater Withdrawal Points, authorizes a combined maximum daily withdrawal volume of 0.65 MGD from Parkview's two groundwater sources (Wells # 1 and # 2). In the past five years on record, the combined maximum daily volume in Parkview's Annual Report Forms hasn't exceeded the 0.65 MGD. Withdrawal in excess of this maximum daily rates require the prior written approval of the Department.

Special Condition 3, Water Conservation Requirements

To reduce water demand, the original permit required Parkview to: replace the heat exchanger to increase the efficiency of the system; obtain a National Pollution Discharge Elimination System (NPDES) Permit that would allow the Association to discharge its non-contact heating and cooling water to the Aberjona River rather than the MWRA Sewer System; install, maintain and calibrate master meters for its withdrawal points, may estimate water use consistent with the approach outlined in OTC response dated August 27, 2021, when flow meters are being calibrated, allow the Town of Winchester to use non-contact cooling and heating water to irrigate nearby municipal playing fields; institute a program to make employees and residents aware of water conservation; to establish a procedure for leak detection and repair, to install water efficient machinery. With the exception of utilizing water from Parkview for irrigation of the Winchester High School athletic fields, the Association has complied with these requirements.

In its August 27, 2021 OTC response, Parkview stated that they have notified the Town of Winchester regarding the availability of their discharge water supply periodically since approximately 2001. However, during their 2019 monitoring visit, it was discovered that a new irrigation system was in the process of being installed at the athletic fields, including the areas

closest to the Parkview Condominiums. Therefore, it appears unlikely that the Town will be utilizing water from Parkview for irrigation of the fields in the future.

Special Condition 3 requires the Association to continue to implement these water conservation efforts, except to irrigate nearby municipal playing fields.

Special Condition 4, Minimization of Groundwater Withdrawal Impacts in Stressed Subbasins, requires permittees with permitted groundwater sources in subbasins² with a net groundwater depletion (NGD) of 25% or more during August to minimize their withdrawal impacts on those subbasins to the greatest extent feasible, through an extension of water conservation and demand management that go beyond standard Water Management Act permit requirements. Parkview's groundwater sources in the Boston Harbor Basin are in Subbasin 21081, a subbasin with an August NGD of 46%. Parkview is required to develop and implement a minimization plan.

A minimization plan typically includes:

1. a Desktop Optimization analysis of shifting withdrawals to other available sources outside the August net groundwater depleted subbasin(s);
2. an evaluation of options for water releases and returns to minimize streamflow impacts;
3. and an evaluation of implementing conservation measure that go beyond the standard WMA permit requirements to minimize the withdrawals and discharges needed to meet demand

Parkview conducted the Desktop Optimization analysis to evaluate the use of Aberjona River water as a potential alternative source in its 8/27/2021 OTC response. Parkview stated that this alternative would result in a less efficient heating and cooling system due to the variable temperature of the river water, and would require construction of approximately 400 feet of subsurface pipeline, much of it beneath abutting private property occupied by the Aberjona Rehabilitation and Nursing Center. For those reasons, use of Aberjona River water is not considered a feasible option. No other alternative sources of supply were identified by Parkview.

To minimize the impacts of its withdrawals on Subbasin 21081, Special Condition 4 requires Parkview to:

- carry out the water conservation measures set forth in Special Condition 3.
- develop a minimization plan that includes additional reasonable cost-effective conservation measures such as the use of non-contact cooling and heating water for outdoor watering of the Association's common areas and/or the enactment of condominium rules that restrict non-essential outdoor water use on the Association's property along with a schedule for implementing those measures; and
- to implement the minimization plan and schedule as approved by MassDEP.

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

Parkview's OTC response also identified that they could install a connection to their discharge piping would allow them to provide water for landscape irrigation, which will result in a reduction in the volumes discharged back to the Aberjona River. This measure will be implemented during the system shutdown in the fall of 2021 or the spring of 2022. Other identified alternatives were found to be infeasible.

Coldwater Fish Resource Protection was incorporated into the Water Management Regulation in November 2014. Coldwater Fish Resource protection is not a condition of this permit, because Parkview's withdrawals from its Boston Harbor basin groundwater sources do not impact any waters that the Massachusetts Division of Fisheries and Wildlife has identified as supporting coldwater fish at this time.

Mitigation of Impacts for Withdrawals that Exceed Baseline Withdrawals

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.

Under this definition, Parkview's baseline in the Boston Harbor Basin is 0.18 MGD, its annual average daily withdrawal volume for 2003 thru 2005. Parkview has agreed to accept a renewed WMA Permit that limits its annual average daily withdrawal volume to this baseline.

The Water Management Regulations, 310 CMR 36.21(3)(b), provide that permit applications include a plan to offset any water withdrawal volume above baseline through a mitigation plan. As stated earlier, Parkview has agreed to limit the annual average daily withdrawal volume authorized by the renewed permit to 0.18 MGD, its baseline volume. As a result, Parkview is not required to develop a mitigation plan and mitigation is not a condition of this permit.

Response to Comments

The Town of Winchester filed a comment letter on January 18, 2022, which identified concerns about Parkview's outfall pipe through which it discharges water to the Aberjona River, and high concentrations of bacteria in that discharge. The Town asks that MassDEP address this discharge through the WMA permit. The WMA permit is not able to regulate the discharge from this pipe, however the discharge is regulated under the National Pollutant Discharge Elimination System (NPDES) Noncontact Cooling Water General Permit (<https://www.epa.gov/npdes-permits/noncontact-cooling-water-general-permit-nccw-gp-massachusetts-new-hampshire>), which was jointly issued by the Environmental Protection Agency (EPA) and MassDEP. MassDEP staff have shared the Town's letter with appropriate wastewater program staff at EPA and MassDEP, who will determine any follow up actions.



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Secretary

Martin Suuberg
Commissioner

FINAL WATER WITHDRAWAL PERMIT
#9P2-3-19-344.03
Parkview Condominium Association

This final 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: 9P2-3-19-344.03

RIVER BASIN: Boston Harbor

PERMITTEE: Parkview Condominium Association

EFFECTIVE DATE: March 10, 2022

EXPIRATION DATE: February 28, 2030

NUMBER OF WITHDRAWAL POINTS:

Groundwater: 2

Surface Water: 0

USE: Residential Heating and Cooling Water

DAYS OF OPERATION: 365

WITHDRAWAL POINT IDENTIFICATION:

Source Well Name	Source ID	Latitude	Longitude	Location
WELLS 1& 2	WM4890-01G	42-27-30	71-08-30	200 Swanton Street, Winchester, MA

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

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SPECIAL CONDITIONS

1. Maximum Authorized Annual Average Withdrawal Volume

This permit authorizes an annual average withdrawal volume of 65.70 million gallons per year (MGY) of water, or 0.18 million gallons per day (MGD) over 365 days annually from Parkview's two groundwater sources in the Boston Harbor Basin, as shown in Table 1.

Table 1: Authorized Withdrawal Volumes from the Boston Harbor Basin

Permit Periods	Water Withdrawal Volumes	
	Daily Average (MGD)	Annual Total (MGY)
3/10/2022 to 2/28/2025	0.18	65.70
3/1/2025 to 2/28/2030	0.18	65.70

2. Maximum Authorized Daily Withdrawals from Groundwater Withdrawal Points

Withdrawals from Parkview's withdrawal points are not to exceed the combined maximum daily volume rate of 0.65 MGD without the prior written approval of the Department.

Table 2. Maximum Daily Withdrawal Volumes

Well Name	Source ID	Maximum Daily Rate (MGD)
WELLS 1& 2	WM4890-01G	0.65

3. Water Conservation Requirements

Parkview shall continue to implement the following conservation measures:

- operate and maintain the heat exchange system installed in 2003 to increase the efficiency of the system;
- discharge its non-contact heating and cooling water to the Aberjona River in accordance with its National Pollutant Discharge Elimination System (NPDES) Permit;
- maintain and calibrate the master meters installed in 2008; and
- educate employees and residents on the importance of water conservation.

Compliance with the water conservation requirements shall be reported to MassDEP upon request.

4. Minimization of Groundwater Withdrawal Impacts in Stressed Subbasins

Parkview shall minimize the impact of its groundwater withdrawals from sources in Subbasin 21081 through the water conservation measures following:

- Parkview shall carry out the water conservation measures set forth in Special Condition 3.
- On or before the spring of 2022, Parkview shall install a connection to the discharge piping to use of non-contact cooling and heating water for landscape irrigation.

Compliance with the above minimization measures shall be reported to the Department upon request.

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. **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** The Department may amend, suspend or terminate this permit in accordance with M.G.L. c. 21G or 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

March 10, 2022
Date