



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Bethany A. Card  
Secretary

Martin Suuberg  
Commissioner

May 23, 2022

Intel Massachusetts Inc.  
Attn: Matthew Brandy,  
Intel Global RDSM EHS Manage  
2200 Mission College BLVD - RNB4-151  
Santa Clara, CA 95054

Re: Town: Hudson  
Facility Name: Intel Massachusetts  
WMA Permit #: 9P4-2-14-141.03  
Program: WMA 20 Year Permit Renewal  
Action: Final Permit

Dear Mr. Brandy:

Please find the attached documents:

- Final Findings of Fact in Support of the Renewed Permit #9P4-2-14-141.03; and
- Final Water Management Act Permit #9P4-2-14-141.03 (Concord Basin) for Intel.

**Please note that although Intel's sources are currently inactive, Intel is required to comply with all conditions of the WMA Permit.**

If you have any questions regarding this permit, please contact me at (617)292-5706 or [duane.levangie@mass.gov](mailto:duane.levangie@mass.gov).

Sincerely,

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

Ecc: Jennifer Cuny, Intel Corporation  
Victoria Torres, Intel Corporation  
Alison Field-Juma, OARS  
Julia Blatt, Massachusetts Rivers Alliance  
Sarah Bower, Massachusetts Rivers Alliance  
Marielle Stone, MassDEP-WMA-Boston

[mass.gov.sharepoint.com/DWP Archive/CERO/Hudson-Intel-WMA Final Permit 9P421414103-2022-05-23](https://mass.gov/sharepoint.com/DWP%20Archive/CERO/Hudson-Intel-WMA%20Final%20Permit%209P421414103-2022-05-23)

This information is available in alternate format. Contact Glynis Bugg at 617-348-4040.

TTY# MassRelay Service 1-800-439-2370

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**Massachusetts Department of Environmental Protection**  
**One Winter Street, Boston MA 02108 • Phone: 617-292-5751**  
**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，应立即翻译。如果您需要翻译这份文件，请用下面列出的电话号码与 MassDEP 的多样性总监联系。



**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 ឯកសារនេះសូមទំនាក់ទំនងនឹងអ្នកជាតិ 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 MassDEP 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):**

Questo documento è importante e dovrebbe essere tradotto immediatamente. Se avete bisogno di questo documento tradotto, si prega di contattare la diversità Direttore di MassDEP ai numeri di telefono elencati di seguito.



**18 Język Polski (Polish):**

Dokument ten jest ważny i powinien być natychmiast przetłumaczone. Jeśli potrzebujesz tego dokumentu tłumaczone, prosimy o kontakt z Dyrektorem MassDEP w różnorodności na numery telefonów wymienionych poniżej.



**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

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## **Findings of Fact in Support of FINAL Water Management Permit #9P4-2-14-141.03 Intel Massachusetts**

The Massachusetts Department of Environmental Protection (MassDEP) makes the following Findings of Fact in support of the attached Final Water Management Permit #9P4-2-14-141.03 and includes herewith its reasons for issuing the final permit and for conditions of approval imposed, as required by M.G.L. c. 21G, § 11. The issuance of this permit is in response to the Water Management Act (WMA) permit renewal application by the Intel Massachusetts Inc.

**MassDEP adopted revised Water Management Regulations at 310 CMR 36.00 on November 7, 2014, (described in greater detail below). Since that time, MassDEP 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.**

### **Intel Massachusetts's Water Withdrawal History**

Intel Massachusetts (Intel) holds a WMA registration statement (2-14-141.01) for an annual average daily withdrawal volume of 0.11 million gallons per day (MGD) from Production Well D-1. In 2001, MassDEP issued a WMA Permit to Intel to increase the total authorized withdrawal volume by 0.24 MGD to 0.35 MGD. In 2002, MassDEP issued a WMA Permit Amendment to Intel to add Production Well D-2 as an authorized withdrawal point. Intel reported zero withdrawals from 2014 through 2020. Prior to those years the maximum withdrawal was 0.16 MGD in 2011.

### **WMA Permit Extensions**

Intel's WMA Permit was initially set to expire on August 31, 2011. Prior to that date, 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 permits by four years. Therefore, WMA permits for withdrawals in the Concord River basin were extended to August 31, 2015.

On April 8, 2015, MassDEP informed Intel that MassDEP would need additional time before making a determination on the application in order to ensure that all permit renewal applicants in the Concord River 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), Intel's permit continued in force and effect until MassDEP issues a final decision on the permit renewal application.

On August 31, 2015, Intel submitted to MassDEP a WMA permit renewal application for their withdrawal in the Concord River Basin. MassDEP published notice of the permit renewal application in the Environmental Monitor on December 9, 2015. No comments were received. On December 11, 2019, MassDEP issued Intel an Order to Complete (OTC) for the renewal application outlining specific information that was required to complete MassDEP's review of the application. A response was received from Intel on March 6, 2020.

The expiration date for all WMA permits going forward in the Concord River Basin will be August 31, 2031, in order to restore the staggered permitting schedule set forth in the regulations.

### **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 Water Resources Commission (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 Concord 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);
- Water needs forecasts for public water suppliers developed by the Department of Conservation and Recreation, Office of Water Resources (DCR), using a methodology reviewed and approved by the Massachusetts WRC;
- Water supply protection measures for public water supplies including Zone II delineations for groundwater sources, and wellhead and surface water protection measures as required by Massachusetts Drinking Water Regulations (310 CMR 22.00);
- Water conservation standards reviewed and approved by the WRC in July 2006 and revised in July 2018 (<https://www.mass.gov/doc/massachusetts-water-conservation-standards-2/>) including without limitation;
  - performance standard of 65 residential gallons per capita day or less;
  - performance standard of 10% or less unaccounted for water;
  - seasonal limits on nonessential outdoor water use;
  - a water conservation program that includes leak detection and repair, full metering of the system and proper maintenance of the meters, periodic review of pricing, and education and outreach to residents and industrial and commercial water users; and
- Environmental protections developed through SWMI, including without limitation;
  - protection for coldwater fish resources;
  - minimization of withdrawal impacts in areas stressed by groundwater use;
  - mitigation of the impacts of increasing withdrawals.

### **Safe Yield in the Concord 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 Concord River Basin is 87.50 million gallons per day (MGD), and total registered and permitted withdrawals are 36.79 MGD. This renewed permit and all other permits currently being renewed in the Concord River Basin, will be within the safe yield of the Concord River Basin and may be further conditioned by the regulations.

### **Findings of Fact for Permit Conditions in Intel'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**, reflects the registered withdrawal volume of 0.11 MGD. Intel was unable to provide a projected water demand through 2031 due to uncertainty in the future demands of the facility.

Per the Water Management Act Regulations at 310 CMR 36.16(1)(b), persons with a registration for withdrawals within a water source (river basin), require a permit for withdrawals that exceed their registration by more than the threshold volume (100,000 gallons per day). Intel has proposed to limit withdrawals to their registered volume plus the threshold volume at this time with an ability to apply for a permit amendment in the future should withdrawals be expected to exceed 0.21 MGD (the 0.11 MGD registered volume plus 0.10 MGD threshold volume). Intel will need to obtain a permit amendment that includes the necessary mitigation for any volumes beyond their registered volume up to the current total authorized volume of 0.35 MGD (0.11 MGD registered plus 0.24 MGD permitted).

**Special Condition 2, Maximum Authorized Daily Withdrawals from each Withdrawal Point**, reflects the combined maximum daily withdrawal rate of 0.45 MGD for the two wells.

**Special Condition 3, Water Conservation Requirements**, on February 21, 2017, Intel reported to MassDEP that certain manufacturing operations had ceased in 2015 and select buildings would be demolished in 2017. Additionally, in 2016 water reuse and recycling efforts were permanently decommissioned as a result of the manufacturing changes. The water conservation requirements of the WMA Permit were directly related to these processes.

**Special Condition 4, Stormwater Infiltration**, reflects the requirement for Intel to develop a stormwater infiltration basin to capture and infiltrate 175,000 gallons per day (gpd) on an annualized basis. This stormwater recharge is intended to offset potentially up to 181,000 gpd of evaporative loss from the watershed due to manufacturing processes at the Intel facility. This condition was first included in the 2001 permit that was issued to increase the total authorized withdrawal to 0.35 MGD. In the response to the Order to Complete, Intel stated that they do not intend to approach the 0.21 MGD withdrawal volume that is the trigger for this requirement to be fulfilled, so construction has not begun.

**Special Condition 5, Mitigation of Impacts for Withdrawals that Exceed Baseline**, was incorporated into the Water Management Regulations in November 2014, and requires mitigation, where feasible, for withdrawals over a baseline volume. Baseline withdrawal means 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.

WMA Permits require mitigation of the impacts of withdrawals above the permittee's baseline by direct and/or indirect mitigation activities. Intel's baseline volume in the Concord River Basin is 40.82 million gallons per year (MGY) or 0.11 MGD, based on the registered volume. Intel's total authorized permitted withdrawal in this permit is not above their baseline; therefore, no mitigation is required at this time. However, prior to making average annual withdrawals greater than the 0.11 MGD baseline, Intel is required to develop a mitigation plan for review and

approval by MassDEP, incorporate the approved mitigation plan into this Permit through an approved permit amendment application (BRP WM02), and implement required mitigation activities. The stormwater infiltration requirement in Special Condition 4 may qualify as mitigation.

**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 there are no waters identified by the Massachusetts Division of Fisheries and Wildlife as supporting coldwater fish at this time in the subbasin where Intel's withdrawals are located.

**Minimization of Groundwater Withdrawal Impacts in Stressed Subbasins** was incorporated into the Water Management Regulations in November 2014 and requires permittees with permitted groundwater sources in subbasins with August net groundwater depletion (August NGD) of 25% or more to minimize their withdrawal impacts on those subbasins to the greatest extent feasible. Minimization is not a condition of this permit because Intel's sources are located in Subbasin 12081 with an August NGD of 19.3%.





# Department of Environmental Protection

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Commissioner

## FINAL WATER WITHDRAWAL PERMIT MGL C 21G

This permit is issued pursuant to the Massachusetts Water Management Act (the Act) for the sole purpose of authorizing the withdrawal of a volume of water as stated herein 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:** 9P4-2-14-141.03

**RIVER BASIN:** Concord

**PERMITTEE:** Intel Massachusetts Inc.

**EFFECTIVE DATE:** May 23, 2022

**EXPIRATION DATE:** August 31, 2031

**NUMBER OF WITHDRAWAL POINTS:** 2

Groundwater: 2      Surface Water: 0

**USE:** Industrial Water Use

**DAYS OF OPERATION:** 365

**LOCATION(S):**

**Table 1: Withdrawal Point Identification**

Source Name	Address
Production Well D-1	75 Reed Road, Hudson MA
Production Well D-2	75 Reed Road, Hudson MA

## SPECIAL PERMIT CONDITIONS

### 1. Maximum Authorized Annual Average Withdrawal Volume

This permit authorizes Intel Massachusetts Inc. to withdraw water from the Concord River Basin at the rate described below. The total authorized 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.

The Department of Environmental Protection (MassDEP) will use the raw water withdrawal volume from all authorized withdrawal points to assess compliance with the registered and permitted withdrawal rates.

Per Water Management Act regulations, 310 CMR 36.16(1)(b), for persons with a registration for withdrawals within a water source (river basin), a withdrawal of more than the threshold volume (100,000 gallons per day) in excess of the registered volume requires a permit. Should Intel anticipate making withdrawals in excess of 0.21 MGD in any year, Intel must obtain a permit amendment that includes a mitigation plan (see Special Condition #5) for all withdrawals in excess of the 0.11 MGD authorized in Registration #2-14-141.01 prior to taking withdrawals that exceed the 0.21 MGD threshold.

Permit Period	Maximum Authorized Raw Water Withdrawal Volumes Prior to Permit Amendment and Mitigation Plan			
	Permit		Permit + Registration	
	Daily Average (MGD)	Total Annual (MGY)	Daily Average (MGD)	Total Annual (MGY)
05/23/2022 to 8/31/2031	0	0	0.11	40.15
Permit Period	Maximum Authorized Raw Water Withdrawal Volumes After Permit Amendment and Mitigation Plan			
	Permit		Permit + Registration	
	Daily Average (MGD)	Total Annual (MGY)	Daily Average (MGD)	Total Annual (MGY)
05/23/2022 to 8/31/2031	0.24	87.60	0.24 + 0.11 = 0.35	127.75

### 2. Maximum Authorized Daily Withdrawals from each Withdrawal Point

The combined maximum daily withdrawal from Production Well D-1 and Production Well D-2 shall not exceed 0.45 MGD without specific advance written approval from MassDEP.

### **3. Water Conservation Requirements**

Prior to withdrawing more than 0.11 MGD on an annual average daily basis, Intel shall submit to MassDEP for review and approval a detailed water conservation program and implementation timetable based on water conservation standards established by the Water Resources Commission (WRC), or where the WRC has not established such standards, other industry-specific best management practices appropriate to the permitted water use.

### **4. Stormwater Infiltration**

Intel shall develop a stormwater infiltration plan to capture and infiltrate 175,000-gpd on an annualized basis which corresponds to approximately 91% of the annual precipitation at their facility (39.41 inches/year). Recharge facilities including infiltration basins shall conform to MassDEP stormwater regulations for pretreatment, groundwater separation, construction materials, and maintenance. The final stormwater infiltration plan must be approved by MassDEP and made operational before water withdrawals exceed the average annual daily volume of 0.21 MGD.

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

Intel's baseline volume in the Concord River Basin is 40.82 million gallons per year or 0.11 MGD, based on the registered volume. Intel's total authorized withdrawal in this Permit is not above the baseline; therefore, no mitigation is required until Intel obtains a permit amendment (BRP WM02) which includes a mitigation plan that allows them to increase their overall withdrawal volumes more than 0.21 MGD (the 0.11 MGD registered volume plus the 0.10 MGD threshold volume).

## **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 a form provided by Department, a certified statement of the withdrawal. Such report is to be received by the Department by the date specified by the Department. Such report must be submitted as specified on the report form.
- 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. Meters are to be calibrated annually during years when withdrawals occur. Meters 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.

## **APPEAL RIGHTS AND TIME LIMITS**

This permit is a decision of MassDEP. Any person aggrieved by this decision and any person who has been allowed pursuant to 310 CMR 1.01(7) to intervene in the adjudicatory proceeding that resulted in this decision may request an adjudicatory hearing. Any such request must be made in writing, by certified mail or hand delivered, 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 city or town 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**

The request for a hearing shall state specifically, clearly and concisely the facts which are the grounds for the appeal, the relief sought, and any additional information required by 310 CMR 1.01(6)(b) or other applicable law or regulation. For any person appealing this decision who is not the applicant, the request must include sufficient written facts to demonstrate status as a person aggrieved and documentation to demonstrate previous participation where required.

### **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 city or town (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.



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

May 23, 2022

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Date