



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

July 18, 2024

Robert Russell  
Westport Rivers, Inc.  
417 Hixbridge Road,  
Westport, MA 02790

RE: Water Management Act  
Permit No. 9P4-4-24-334.01  
Final WMA Permit Renewal

Dear Mr. Russell:

Please find the following attached documents:

- Findings of Fact in Support of the Final Permit Decision.
- Water Management Act Permit for withdrawals by Westport Rivers, Inc in the Buzzards Bay Basin.

If you have any questions regarding the permit, please contact Shi Chen at [shi.chen@mass.gov](mailto:shi.chen@mass.gov) or 857-360-0042.

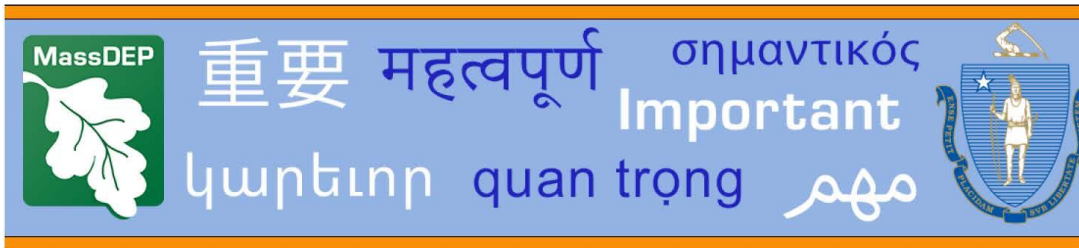
Sincerely,

Duane LeVangie  
Water Management Program Chief  
Bureau of Water Resources

cc: Julia Blatt, Mass Rivers Alliance  
Peter Newton, Bristol Engineering Advisors, Inc.  
Annie Cloutier and Edward Howe, Westport MA  
Matthew Armendo, Director of Public Health, Westport

[mass.gov.sharepoint.com/W:\DWP Archive\SERO\2024\Westport-Westport Winery-9P442433401-FINAL Permit-2024-07-18](https://mass.gov/sharepoint.com/W:\DWP Archive\SERO\2024\Westport-Westport Winery-9P442433401-FINAL Permit-2024-07-18)

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## Communication for Non-English-Speaking Parties

***This document is important and should be translated immediately.***

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### **Español Spanish**

Este documento es importante y debe ser traducido inmediatamente. Si necesita traducir este documento, póngase en contacto con el Director de Justicia Ambiental de MassDEP (*MassDEP's Director of Environmental Justice*) en el número de teléfono que figura más abajo.

### **Português Portuguese**

Este documento é importante e deve ser traduzido imediatamente. Se você precisar traduzir este documento, entre em contato com o Diretor de Justiça Ambiental do MassDEP no número de telefone listado abaixo.

### **繁體中文 Chinese Traditional**

本文檔很重要，需要即刻進行翻譯。  
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**

这份文件非常重要，需要立即翻译。  
如果您需要翻译这份文件，请通过下方电话与 MassDEP 环境司法主任联系。

### **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  
ហើយកម្មវិធីត្រូវបានបកប្រែភ្លាមៗ។  
ប្រសិនបើអ្នកត្រូវការអោយឯកសារនេះបកប្រែ  
សូមទាក់ទងនាយកដ្ឋានយុត្តិធម៌បរិស្ថានរបស់  
MassDEPតាមរយៈលេខទូរស័ព្ទដែលបានរាយនាមខាងក្រោម។

### **Kriolu Kabuverdianu Cape Verdean**

Es dokumentu sta important i tenki ser tradusidu immediatamenti. 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 9<sup>th</sup> Floor Boston, MA 02114**

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### Русский Russian

Это чрезвычайно важный документ, и он должен быть немедленно переведен. Если вам нужен перевод этого документа, обратитесь к директору Департамента экологического правосудия MassDEP (MassDEP's Director of Environmental Justice) по телефону, указанному ниже.

### 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, 매사추세츠 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) Բնապահպանական 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

Ce document est important et doit être traduit immédiatement. Si vous avez besoin d'une traduction de ce document, veuillez contacter le directeur de la justice environnementale du MassDEP au numéro de téléphone indiqué ci-dessous.

### 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

Questo documento è importante e deve essere tradotto immediatamente. Se hai bisogno di tradurre questo documento, contatta il Direttore della Giustizia Ambientale di MassDEP al numero di telefono sotto indicato.

### 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 Final Permit Decision Water Management Act Permit #9P4-4-24-334.01 Westport Rivers, Inc.**

The Massachusetts Department of Environmental Protection (MassDEP) has completed its review of Westport Rivers, Inc.'s ("Westport Winery") Water Management Act (WMA) permit application filed August 17, 2021. The Department hereby proposes to issue Water Management Permit #9P4-4-24-334.01 (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 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, § 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 all permits 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;

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- 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 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 the date of issuance of this permit, the safe yield for the Buzzards Basin water source is 148.40 million gallons per day (MGD), and total allocated withdrawals are 83.78 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 Westport Rivers Inc'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 FINAL 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,** specifies the authorized annual average withdrawal volume for the life of this permit. The withdrawal volume for the Westport Winery is 0.22 million gallons per day (MGD) or 39.6 million gallons per year (MGY) over 180 days from its Potato Hill Irrigation Pond. Should Westport Winery expect to withdraw more than 0.22 MGD, a new permit application and public notice are required.

**Special Condition 2, Maximum Authorized Daily Withdrawal From Withdrawal Point,** reflects the volume of withdrawal expressed as a maximum daily rate for the Potato Hill Irrigation Pond included in the permit. Withdrawals in excess of these maximum daily rates require approval from the Department.

**Special Condition 3, Meter Calibration,** requires the withdrawal source included in this permit to be metered and the meter must be calibrated annually. Westport Winery shall install a meter at the irrigation pond before the irrigation season starts in 2024.

**Special Condition 4, Irrigation Pond Water Levels Monitoring and Reporting,** requires Westport Winery to conduct, at a minimum, weekly pond level measurements on a staff gage from June 1<sup>st</sup> through October 30<sup>th</sup>. When the pond level drops below -1.5 ft mean sea level (MSL), or if a Level-1 Mild Drought or higher is declared for the Southeast Drought Region, daily pond level measurements are required. Monitoring data must be maintained and submitted as part of the electronic Annual Report Form. When a Level-1 Mild Drought or higher is declared for the Southeast Drought Region or the pond level drops below -1.5 ft MSL, the monitoring data must be submitted to MassDEP monthly from June 1<sup>st</sup> through October 30<sup>th</sup>.

**Special Condition 5, Private Well Monitoring,** reflects the need to evaluate the irrigation pond's impact on the nearby domestic well. In the event that the private well located at 86 Cadmans Neck Road in Westport is reported as having run dry, and pond level is below the -1.5 ft MSL daily monitoring trigger, the Winery, with the assistance of the private well owner, will take the steps necessary to gather water level data from that well. Pending an evaluation by MassDEP of water level data in the irrigation pond and the private well, MassDEP may require the permittee to address by any means feasible securing potable water for the residence at 86 Cadman's Road. The Department will evaluate the data collected and revisit this condition after five irrigation seasons.

**Special Condition 6, Water Conservation Requirements**, reflects the need to apply to the Natural Resources Conservation Service (NRCS) for assistance developing a Conservation Practice Standard (CPS) 449 Irrigation Water Management (IWM) Plan and an operation and maintenance (O&M) plan within six (6) months of receiving the final permit.

**Special Condition 7, Mitigation of Impacts for Withdrawals that Exceed Baseline**

The permit will include a condition that requires mitigation of withdrawals over a baseline volume, if feasible, if future withdrawals exceed the assigned 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, the Department will use best available data to establish a baseline volume from the water source.

Since there is no metered information on the historic withdrawal volumes at the Westport Winery, the Department is assuming that Westport Winery's future withdrawal volumes are expected to be greater than the historic withdrawal volumes, particularly those withdrawn during the baseline period 2003-2005. Therefore, Westport Winery is required to mitigate the full 0.22 MGD withdrawal volume. Because no direct mitigation activities are available to Westport Winery, MassDEP is requiring that Westport Winery work with the Natural Resources Conservation Service (NRCS) in adopting selected conservation practices from the Irrigation Water Management (IWM) and the Operation and Maintenance (O&M) plan developed under the water conservation requirements (See Special Condition 5). Upon MassDEP's request, the permittee will provide updates on the implementation of selected conservation practices and discussion on why certain conservation practices were not adopted. Conservation Practices deemed feasible shall be implemented.

**Minimization of Groundwater Withdrawal Impacts in Stressed Subbasins**, requires permittees with permitted groundwater sources in subbasins<sup>1</sup> with net groundwater depletion of 25% or more during August to minimize their withdrawal impacts on those subbasins to the greatest extent feasible. In Westport Winery case they withdraw entirely from a surface water source and in an unassessed subbasin (#22102) therefore minimization is not a condition of this permit.

**Coldwater Fish Resource Protection** was incorporated into the Water Management Regulations in November 2014. Coldwater Fish Resource Protection is not a condition of this

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<sup>1</sup> 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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permit because Westport Winery's withdrawals do not appear to impact any waters that MA Division of Fisheries and Wildlife has identified as supporting coldwater fish at this time.

### **Public Comments**

MassDEP received public comment letters from Ann C. Cloutier and Edward Howe, residents of Westport. Each letter identifies concerns over the potential impacts of the 0.22 MGD requested water withdrawal on the aquifer and nearby domestic private wells. Specifically, the comment letter submitted by Ms. Cloutier states that her private well became unusable due to the withdrawals of the Potato Hill Irrigation Pond. MassDEP issued a letter dated August 15<sup>th</sup>, 2022, to Ms. Cloutier asking for certain hydrological information on her domestic well to evaluate the potential withdrawal impacts from the irrigation pond. On August 29<sup>th</sup>, 2022, staff from the Water Management Program met with representatives from Westport Winery and Ms. Cloutier on-site to evaluate the irrigation pond and the domestic well. On November 22, 2022, due to the incomplete well completion data on Ms. Cloutier's domestic well, MassDEP directed the Winery to survey and collect certain hydrological information on the irrigation pond and the domestic well. On May 22, 2023, the Winery received the approval to access Ms. Cloutier's property. The Winery submitted the final data on December 13, 2023. The data noted that the domestic well appears to have been damaged based on the considerable drawdown observed in the well (12.1 feet) while pumping at 5 gallons per minute (GPM) and the orange buildup inside the well casing.

MassDEP evaluated the data submitted and identified that it is difficult to draw conclusions on the irrigation pond's impact on the domestic well due to its damaged condition. Therefore, MassDEP requires Westport Winery to monitor water levels in the irrigation pond during the irrigation season in order to better evaluate the potential impacts of withdrawals on the nearby domestic wells. In the event the domestic well is reported to be dry, and pond level measurements have triggered the daily monitoring requirement, the Winery is required to request access to the domestic well to measure the water levels. Should the Department determine that the cause of the domestic well failure is primarily due to the impact of withdrawals from the irrigation pond, the Westport Winery shall take feasible steps to repair or replace the domestic well for potable purposes (See Special Condition 5).





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## Department of Environmental Protection

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Commissioner

### **WATER WITHDRAWAL PERMIT #9P4-4-24-334.01**

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:** 9P4-4-24-334.01

**RIVER BASIN:** Buzzards Bay

**PERMITTEE:** Westport Rivers, Inc

**EFFECTIVE DATE:** July 18, 2024

**EXPIRATION DATE:** September 4, 2032\*

\*Promulgation of revised regulations (310 CMR 36.00) have adjusted permit expiration dates in this basin.

**NUMBER OF WITHDRAWAL POINTS:** 1

Groundwater: 0

Surface Water: 1

**USE:** Farm Irrigation

**DAYS OF OPERATION:** 180

**LOCATION:**

Source Name	WMA Source ID	Latitude	Longitude	Location
Potato Hill Irrigation Pond	WM16699-01S	41°34'04" N	71°03'87" W	Cadmans Neck Road

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

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## SPECIAL CONDITIONS

### 1. Maximum Authorized Annual Average Withdrawal Volume

This permit authorizes Westport Rivers, Inc (“Westport Winery”) to withdraw water from the Buzzards Bay Basin at the rate described below in Table 1. The permitted volume is expressed both as an annual average daily withdrawal rate (million gallons per day or MGD), and as a total annual withdrawal volume (million gallons per year or MGY) for each permit period over the term of this permit.

The Department of Environmental Protection (MassDEP) bases these withdrawal volumes on the raw water volume from the authorized withdrawal points and will use the raw water volume to assess compliance with the permitted withdrawal volumes.

**Table 1: Maximum Authorized Annual Withdrawal Volumes**

Permit Periods	Total Raw Water Withdrawal Volumes	
	Daily Average (MGD)	Total Annual (MGY)
07/18/2024 to 9/4/2032	0.22	39.6

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

Withdrawals from individual withdrawal points are not to exceed the approved maximum daily volumes listed in Table 2 without specific advance written approval from MassDEP. The authorized maximum daily volume is the approved rate of each source.

**Table 2: Maximum Daily Withdrawal Volume**

Source Name	WMA Source ID	Maximum Daily Rate (MGD)
Potato Hill Irrigation Pond	WM16699-01S	0.50

### 3. Meter Calibration

Westport Winery shall install a meter on the irrigation pond before the 2024 irrigation season starts. The withdrawal source included in this permit must be metered and the meter must be calibrated annually.

### 4. Irrigation Pond Water Level Monitoring and Reporting

Westport Winery shall implement the following irrigation pond water level monitoring and reporting requirements. The monitoring requirements will be reviewed and reevaluated after the permittee has successfully submitted monitoring data for five irrigation seasons.

- A staff gage shall be installed in the Potato Hill Irrigation Pond and shall be surveyed by May 15<sup>th</sup> each season.

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

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- June 1<sup>st</sup> through October 30<sup>th</sup>, the permittee shall record at least weekly pond level measurements on said staff gage. Weekly Pond level measurements must be submitted with the electronic Water Management Act (WMA) Annual Report Form.
- June 1<sup>st</sup> to October 30<sup>th</sup>, daily pond level measurements are required when either the pond elevation falls below -1.5 ft MSL or a Level 1-Mild Drought or greater is declared for the Southeast Drought Region. Should daily pond level measurements be triggered, the permittee must submit monthly reports documenting those pond levels. Reports must be submitted to MassDEP, 100 Cambridge Street, 9<sup>th</sup> Floor, Attn: Water Management Program, Boston MA 02144 or electronically (preferred) to Shi.Chen@mass.gov.

## **5. Private Well Monitoring**

In the event that the domestic well at 86 Cadmans Neck Road in Westport is reported as dry, and the irrigation pond water level is below the -1.5 ft MSL daily monitoring trigger, the permittee, with the assistance of the private well owner, will take the steps necessary to gather water level data from that domestic well. Assistance of the private well owner shall consist of providing the permittee a well condition report, including the visual inspection of the well screen, by a licensed well driller that is dated not more than 30-days prior to said notice. Should the Department determine that the cause of domestic well failure is primarily due to the impacts of withdrawals from the irrigation pond, the permittee shall take steps deemed feasible by MassDEP to secure potable water for the residence.

## **6. Water Conservation Requirements**

Westport Winery shall apply to the Natural Resources Conservation Service (NRCS) within six (6) months of the issuance of the final permit for assistance developing a Conservation Practice Standard (CPS) 449 Irrigation Water Management (IWM) Plan and an operation and maintenance (O&M) plan. In addition, Westport Winery shall inform the Department and NRCS of specific conservation practices or activities within the IWM that they intend to adopt to improve the water management on the property. Upon MassDEP's request, Westport Winery will be required to document efforts to implement their IWM and O&M plans.

## **7. Mitigation**

Westport Winery is required to mitigate the full 0.22 MGD withdrawal volume as there is no metered withdrawal volumes during the baseline period 2003-2005 and the future withdrawal volumes are expected to be greater than the historic withdrawal volumes. Westport Winery shall work with NRCS in adopting selected conservation practices from the Irrigation Water Management (IWM) and the Operation and Maintenance (O&M) plans developed under the water conservation requirements. Upon MassDEP's request, Westport Winery shall provide updates on the implementation of selected conservation practices and discussion on why certain conservation practices were not adopted. Conservation Practices deemed feasible shall be implemented.

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

### **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Permit by timely filing a Notice of Claim for an Adjudicatory Appeal ("Notice of Claim") in accordance with 310 CMR 36.37 and 310 CMR 1.01 within twenty-one (21) days of its receipt of this Permit. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Permit shall be included with a Notice of Claim. No request for an appeal of this Permit shall be validly filed unless a copy of the request is sent at the same time by certified mail, or delivered by hand, to the local water resources management official in

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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.



7/18/2024

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Duane LeVangie  
Water Management Program Chief  
Bureau of Water Resources

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Date