



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

Michael E. Wainio  
S.K. Wainio Bogs, Inc  
181 Main Street,  
Carver, MA 02330

January 13, 2025  
RE: Water Management Act  
Permit No. 9P3-4-24-310.05  
FINAL BRP WM 01 Transfer & WMA Permit  
Renewal

Dear Mr. Wainio:

The Massachusetts Department of Environmental Protection (MassDEP) received a BRP WM 01 transfer application on May 10, 2024 to transfer one source permitted (9P342431005) with the Water Management Act (WMA) from Willows Cranberries to S.K. Wainio Bogs, Inc.. S.K. Wainio Bogs, Inc. also holds a WMA registration #42405237 in the Buzzards Bay Basin to irrigate 2.68 acres of cranberry bogs located off Tremont St. in Carver. According to the transfer application form, there will be no change in use of the authorized water withdrawal volumes or withdrawal points, in the discharge point of the water after use, or in the number of days per year that the water will be withdrawn. MassDEP had also previously received a 20-Year Cranberry Permit Renewal Application from Willows Cranberries in April 2015. This transferred permit also serves as the renewed permit and reflects the updated permit requirements. Please find the following attached documents:

- Findings of Fact in Support of the Permit Decision.
- FINAL Water Management Act Permit for withdrawals by S.K. Wainio Bogs, Inc. in the Buzzards Bay Basin.

Should there be proposed changes inconsistent with the existing WMA permit (e.g., change in authorized withdrawal volumes, change in location of one or more withdrawal point, addition of one or more withdrawal point, change in use of the water, change in discharge point location, etc.), the Permittee shall contact MassDEP WMA Program staff to determine if a new permit or permit amendment is necessary.

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

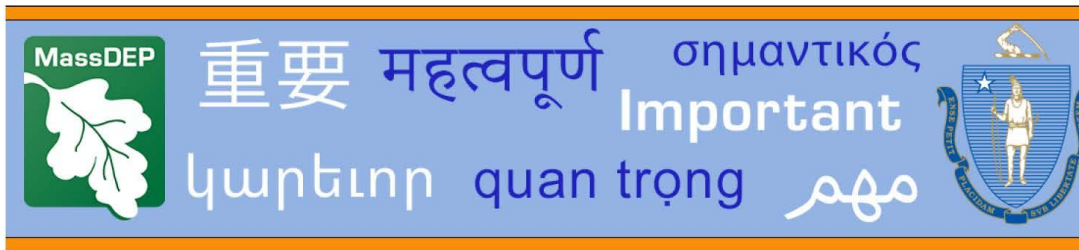
Sincerely,



Duane LeVangie  
Water Management Program Chief  
Bureau of Water Resources

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

mass.gov.sharepoint.com/W:\DWP Archive\SERO\2025\Wareham-9P342431005-SK Waino-  
FINAL WMA Transfer & Renewal-2025-01-13  
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Waino-FINAL WMA Transfer & Renewal-2025-01-13



## Communication for Non-English-Speaking Parties

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

If you need this document translated, please contact MassDEP's Director of Environmental Justice at the telephone number listed below.

### 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 imediatamenti. Se nho ta presisa ke es dokumentu sta tradisidu, por favor kontata O Diretor di Justisia di Environman di DEP ku es numero di telefoni menxionadu di baixo.

Contact Deneen Simpson 857-406-0738

Massachusetts Department of Environmental Protection  
100 Cambridge Street 9<sup>th</sup> Floor Boston, MA 02114

TTY# MassRelay Service 1-800-439-2370 • <https://www.mass.gov/environmental-justice>  
(Version revised 8.2.2023) 310 CMR 1.03(5)(a)

**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.

**հայերէն 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

Massachusetts Department of Environmental Protection

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## **Findings of Fact in Support of Permit Decision Water Management Act Permit #9P3-4-24-310.05 S.K. Wainio Bogs, Inc.**

The Massachusetts Department of Environmental Protection (the Department) makes the following *Findings of Fact* in support of the attached final Water Management Act (WMA) Permit #9P3-4-24-310.05 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 a water withdrawal permit renewal application by Willows Cranberries (the “applicant”) and an application to transfer the water withdrawal permit from Willows Cranberries to S.K. Wainio Bogs, Inc. for the purpose of cranberry cultivation at one existing cranberry bog. The site is located off Cranberry Highway in Wareham.

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 worked closely with the cranberry industry to fully consider all aspects of the permit requirements to ensure thoughtful and implementable permits.

### **The Permit Extensions**

WMA permits issued during the first 20-year permitting cycle for the Buzzards Bay Basin were due to expire on May 31, 2011. The expiration dates for all Water Management permits were extended for four years by Chapter 240 of the Acts of 2010 as amended by Chapter 238 of the Acts of 2012, collectively known as the Permit Extension Act. The expiration date for the applicant’s permit was extended to May 31, 2015.

Willows Cranberries filed a timely renewal application for their Water Management permit in April 2015. Subsequently, in a letter of March 28, 2016, MassDEP informed the applicant that MassDEP would need additional time before making a determination on the application in order to ensure that all permit renewal applicants in the Buzzards Bay 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), the applicant’s permit, continues in force and effect until MassDEP issues a final decision on the permit renewal application.



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;
- Reasonable protection of public drinking water supplies, water quality, wastewater treatment capacity, waste assimilation capacity, groundwater recharge areas, navigation, hydropower resources, water-based recreation, wetland habitat, fish and wildlife, agriculture, floodplains; and
- Reasonable economic development and job creation.

### **Water Management Regulation Revisions**

In 2010 the Executive Office of Energy and Environmental Affairs (EEA) convened the Sustainable Water Management Initiative (SWMI) for the purpose of incorporating the best available science into the management of the Commonwealth's water resources. SWMI was a multi-year process that included a wide range of stakeholders and support from the Departments of Environmental Protection, Fish and Game, and Conservation and Recreation. In November 2012 the *Massachusetts Sustainable Water Management Initiative Framework Summary* (<https://www.mass.gov/files/documents/2016/08/wf/swmi-framework-nov-2012.pdf>) was released.

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

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

- Safe yield determinations for the major river basins based on a new methodology developed through SWMI (see the Safe Yield in the Buzzards Bay Basin section of this document);
- Water conservation and performance standards reviewed and approved by the WRC in July 2018 (<https://www.mass.gov/files/documents/2018/09/11/ma-water-conservation-standards-2018.pdf>), including without limitation;
- Environmental protections developed through SWMI, including without limitation;

- protection for coldwater fish resources;
- minimization of withdrawal impacts in areas stressed by groundwater use;
- mitigation of the impacts of increasing withdrawals.

### **Safe Yield in the Buzzards Bay Basin**

This permit is being issued under the Safe Yield methodology adopted by MassDEP on November 7, 2014, and described in the Regulations at 310 CMR 36.13. As of September 11, 2024, the safe yield for the Buzzards Bay Basin water source is 148.40 million gallons per day (MGD), and total allocated withdrawals are 82.36 MGD. The maximum withdrawals that will be authorized in this permit, and all other permits currently under review by the Department within the Buzzards Bay Basin, will be within the remaining safe yield and may be further conditioned as outlined in the regulations.

### **Findings of Fact for Permit Conditions in S.K. Wainio Bogs, Inc.'s Water Management Permit**

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

### **Findings of Fact for S.K. Wainio Bogs, Inc. Permit Conditions**

In the case of S.K. Wainio Bogs, Inc.:

- permit conditions specific to public water suppliers do not apply;
- there are no vernal pools or wetlands requiring monitoring to assess withdrawal impacts;
- there are no coldwater fish resource (CFR) within the subbasin;
- minimization requirements do not apply because S.K. Wainio Bogs, Inc. water withdrawals are from surface water source;
- water conservation measures specific to cranberry production are required; and
- mitigation is not required because the transferred bog was in production during 2003-2005 and this permit does not authorize additional acreages for that bog.

The following Findings of Fact are intended to describe the rationale, and to provide some additional detail, for each of the special conditions in the S.K. Wainio Bogs, Inc.'s permit. The summary of permit conditions, as part of MassDEP's findings of fact, is not intended to, and should not be construed as, modifying any of the Permit conditions. In the event of any ambiguity between the summary and the actual permit conditions, the Permit language shall be controlling.

**Special Condition 1, Authorized Annual Withdrawal Volume**, sets an annual average permitted withdrawal volume of 0.046 million gallons per day (MGD) for a total of 16.81 million gallons per year (MGY) over 365 days for the cultivation of 8.6 acres of permitted cranberry bog located off Cranberry Highway in Wareham. A volume of 6 acre-feet of water per year for each acre of bog was used to calculate the permitted volume. The 6 acre-foot per year volume was chosen by comparing the bog's construction characteristics to similar bog construction presented in the 1988 Study (Table A-5R in the Study). S.K. Wainio Bogs, Inc. also holds a WMA

registration #42405237 for 0.024 MGD to irrigate 2.68 acres of Wainio Bogs located off Tremont St. in Carver.

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

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

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

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

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

**Mitigation of Withdrawals over the 2003-2005 Baseline** is not required because the cranberry bog that is transferred to the S.K. Wainio Bogs, Inc. was in production during the year of 2003-2005 and the S.K. Wainio Bogs, Inc. is not increasing the acreages for that bog in this permit.

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

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

**Coldwater Fish Resource Protection** was incorporated into the Water Management Regulations in November 2014. Coldwater Fish Resource Protection is not a condition of this permit because the permittee's withdrawals in the unassessed Plymouth-Carver aquifer do not impact any water that MA Division of Fisheries and Wildlife has identified as supporting coldwater fish at this time.



**Minimization of Groundwater Withdrawal Impacts in Stressed Subbasins** requires permittees with permitted groundwater sources in 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. Minimization of Groundwater Withdrawal Impacts is not a condition of this permit at the present time since the permittee is withdrawing from a surface water source only and in an unassessed subbasin which in both cases means minimization requirements do not apply.

General Conditions applicable to all WMA permits are included.

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

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

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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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## **WATER WITHDRAWAL PERMIT M.G.L. c. 21G**

This permit is issued pursuant to the Massachusetts Water Management Act for the sole purpose of authorizing the withdrawal of a volume of water as stated below and subject to the following special and general conditions. This permit conveys no right in or to any property beyond the right to withdraw the volume of water for which it is issued.

PERMIT NUMBER: 9P3-4-24-310.05

WATERSHED: Buzzards Bay

PERMITTEE: S.K. Wainio Bogs, Inc.  
181 Main Street  
Carver, Massachusetts 02330

EFFECTIVE DATE: January 13, 2025

EXPIRATION DATE: September 4, 2032

USE: Cranberry Cultivation

DAYS OF OPERATION: 365

NUMBER OF WITHDRAWAL POINTS: 1 surface water source

LOCATION(S):

Source	Latitude	Longitude	Location
Reservoir	41°46'06"	70°42'25"	Cranberry Highway, Wareham, MA

## **SPECIAL CONDITIONS**

### **1. Authorized Annual Withdrawal Volume**

This permit authorizes the withdrawal of water from a source in the Buzzards Bay Basin. The permitted volume is expressed in millions of gallons, both as an average daily volume that may be withdrawn, and as a total volume that may be withdrawn annually from this source for the permit term. The withdrawal volume is based on 6 acre-ft of water per acre of bog per year. S.K. Wainio Bogs, Inc has a registration #42405237 to irrigate the Wainio Bogs located off Tremont St., in Carver.

Withdrawals are authorized as follows:

Permit Period	Authorized Withdrawal Volume			
	Permit		Registration + Permit	
	Daily Average (MGD)	Total Annual (MGY)	Daily Average (MGD)	Total Annual (MGY)
1/13/2025 to 9/4/2032	0.046	16.81	$0.024 + 0.046 = 0.07$	$8.73 + 16.81 = 25.54$

### **2. Authorized Cranberry Acreage**

This permit authorizes S.K. Wainio Bogs, Inc. to withdraw water from the permitted withdrawal point at Cranberry Highway in Wareham, for the cultivation of 8.6 acres of cranberry bog.

Source (Bog Name)	Permitted Acres
Cranberry Highway, Wareham	8.6

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

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

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

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

#### **Structural BMPs**

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

#### **Operational BMPs**

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

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

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

#### **General Permit Conditions (applicable to all Permittees)**

1. **Duty to Comply** The Permittee shall comply at all times with the terms and conditions of this permit, the Act and all applicable State and Federal statutes and regulations.
2. **Operation and Maintenance** The Permittee shall at all times properly operate and maintain all facilities and equipment installed or used to withdraw up to the authorized volume so as not to impair the purposes and interests of the Act.
3. **Entry and Inspections** The Permittee or the Permittee's agent shall allow personnel or authorized agents or employees of MassDEP to enter and examine any property, inspect and monitor the withdrawal, and inspect and copy any relevant records, for the purpose of determining compliance with this permit, the Act or the regulations published pursuant thereto, upon presentation of proper identification and an oral statement of purpose.
4. **Water Emergency** Withdrawal volumes authorized by this permit are subject to restriction in any water emergency declared by MassDEP pursuant to M.G.L. c. 21G, §§ 15-17, M.G.L. c. 111, § 160, or any other enabling authority.

5. **Transfer of Permits** This permit shall not be transferred in whole or in part unless and until MassDEP approves such transfer in writing, pursuant to a transfer application on forms provided by MassDEP requesting such approval and received by MassDEP at least thirty (30) days before the effective date of the proposed transfer. No transfer application shall be deemed filed unless it is accompanied by the applicable transfer fee established by 310 CMR 36.37.
6. **Duty to Report** The Permittee shall submit annually, on a form provided by MassDEP, a certified statement of the withdrawal. Such report is to be received by MassDEP by the date specified by MassDEP. Such report must be mailed or hand delivered to the address specified on the report form.
7. **Duty to Maintain Records** The Permittee shall be responsible for maintaining withdrawal records as specified by this permit.
8. **Amendment, Suspension or Termination** The Department may amend, suspend or terminate this permit in accordance with M.G.L. c. 21G or 310 CMR 36.29.

## **APPEALS**

Any person aggrieved by this decision may request an adjudicatory hearing on this Permit by timely filing a Notice of Claim for an Adjudicatory Appeal (“Notice of Claim”) in accordance with 310 CMR 36.37 and 310 CMR 1.01 within twenty-one (21) days of its receipt of this Permit. The Notice of Claim shall state specifically, clearly and concisely the facts that are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation. A copy of this Permit shall be included with a Notice of Claim. No request for an appeal of this Permit shall be validly filed unless a copy of the request is sent at the same time by certified mail, or delivered by hand, to the local water resources management official in the community in which the withdrawal point is located; and for any person appealing this decision, who is not the Permittee, unless such person notifies the Permittee of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

The Notice of Claim and supporting documentation must be sent by certified mail or hand delivered to:

Case Administrator  
Office of Appeals and Dispute Resolution  
Department of Environmental Protection  
100 Cambridge Street, Suite 900  
Boston, MA 02114

In addition, the Department’s fee transmittal form, together with a valid check made payable to the Commonwealth of Massachusetts in the amount of \$100 for the appeal filing fee, if required, must be mailed to:

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

The Notice of Claim may be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, along with the hearing request, an affidavit setting forth the facts believed to support the claim of undue financial hardship.



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Duane LeVangie  
Water Management Program Chief  
Bureau of Water Resource

January 13, 2025

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Date