

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Central Regional Office • 8 New Bond Street, Worcester MA 01606 • 508-792-7650

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

June 2, 2016

Massachusetts Department of Correction
Division of Resource Management
Attn: Jeffrey Quick
50 Maple Street
Milford, MA 01757

Town: Norfolk
PWS Name: MCI-Norfolk/Cedar Junction/Walpole
PWS ID: 2208001
Program: Water Management Act (WMA)
Permit: BRP WM03
MassDEP Transmittal: X266355
Action: **Final Permit Approval**

Dear Mr. Quick,

Please find the attached documents:

- Findings of Fact in Support of the Final Water Management Act Permit Decision; and
- Final Water Management Act Permit 9P4-2-20-208.02 for the Massachusetts Department of Correction in the Charles River Basin.

If you have any questions regarding the permit, please contact Susan Connors at (508) 767-2701 or me at 508-767-2827.

Sincerely,

Marielle Stone
Deputy Regional Director
Bureau of Water Resources

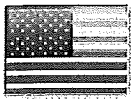
cc: Kevin MacKinnon, Weston & Sampson, 5 Centennial Drive, Peabody, MA 01960
Margaret Van Deusen, Charles River Watershed, 190 Park Road, Weston, MA 02493
ecc: Massachusetts Water Works Association (MWWA@verizon.net)
Duane LeVangie, MassDEP-WMA-Boston

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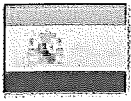
Massachusetts Department of Environmental Protection
One Winter Street, Boston MA 02108 • Phone: 617-292-5751

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



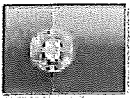
1 English:

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.



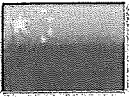
2 Español (Spanish):

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.



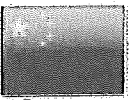
3 Português (Portuguese):

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。



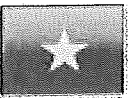
4(b) 中国（简体中文）(Chinese (Simplified)):

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。



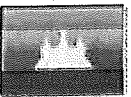
5 Ayisyen (franse kreyòl) (Haitian) (French Creole):

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.



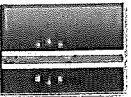
6 Việt (Vietnamese):

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 đã dạng tại các số điện thoại được liệt kê dưới đây.



7 ប្រទេសកម្ពុជា (Kmer (Cambodian)):

ឯកសារនេះគឺមានសារៈសំខាន់និងគួរត្រូវបានបកប្រែភ្លាមៗ ប្រសិនបើអ្នកត្រូវបានបកប្រែឯកសារនេះសូមទំនាក់ទំនងភ្នាក់ងារជាតាមក MassDEP នៅលេខទូរស័ព្ទដែលបានរាយខាងក្រោម។



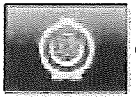
8 Kriolu Kabuverdianu (Cape Verdean):

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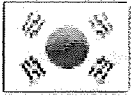


9 Русский язык (Russian):

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):**

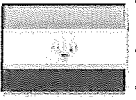
هذه الوثيقة الهامة وينبغي أن تترجم على الفور. إذا كنت بحاجة إلى هذه الوثيقة المترجمة، يرجى الاتصال مدير التنوع في MassDEP على أرقام الهواتف المدرجة أدناه.

**11 한국어 (Korean):**

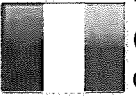
이 문서는 중요하고 즉시 번역해야 합니다. 당신이 번역이 문서가 필요하다면 아래의 전화 번호로 MassDEP의 다양성 감독에 문의하시기 바랍니다.

**12 հայերեն (Armenian):**

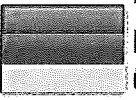
Այս փաստաթուղթը շատ կարևոր է եւ պէտք է թարգմանել անմիջապէս. Եթե Ձեզ անհրաժեշտ է այս փաստաթուղթը թարգմանվել դիմել MassDEP բազմազանությունը տնօրեն է հեռախոսահամարների թվարկված են ստորև.

**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 MassDEP در شماره تلفن های ذکر شده در زیر.

**14 Français (French):**

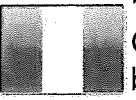
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**15 Deutsch (German):**

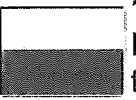
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**16 Ελληνική (Greek):**

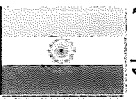
Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως. Αν χρειάζεστε αυτό το έγγραφο μεταφράζεται, παρακαλούμε επικοινωνήστε Diversity Director MassDEP κατά τους αριθμούς τηλεφώνου που αναγράφεται πιο κάτω.

**17 Italiano (Italian):**

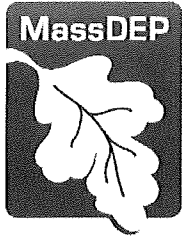
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**18 Język Polski (Polish):**

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 दस्तावेज 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.



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Findings of Fact in Support of the Final Permit Decision Massachusetts Department of Correction, Water Management Permit 9P4-2-20-208.02

The Massachusetts Department of Environmental Protection (MassDEP) has completed its review of the Water Management Act (WMA) Permit application for the Massachusetts Department of Correction (DOC) facility in the Charles River Basin pursuant to the Water Management Act, M.G.L. c 21G. As a result of the review MassDEP hereby issues this Water Management Act Permit #9P4-2-20-208.02 (the "Permit") in accordance with the Water Management Act (WMA or "the Act").

MassDEP makes the following Findings of Fact in support of the attached permit, and includes herewith its reasons for approving the Permit and for the conditions of approval imposed, as required by MGL c 21G, §11 and the "Massachusetts Water Resources Management Program", 310 CMR 36.00 ("the Regulations").

Massachusetts Department of Correction Water Withdrawal History

The Massachusetts Department of Correction operates four correctional facilities at the MCI-Norfolk facility: MCI-Norfolk, Bay State Correctional Center, Pondville Correctional Center, and MCI-Junction. DOC holds a WMA registration statement (2-20-208.04) to withdraw 0.49 MGD annually from Dug Well Station #1(2208001-01G), Tubular Well Station #2 (2208001-04G), and GP Well Station #4 (2208001-03G). The capacity of these sources has significantly decreased and the public water system is not able to supply the average or peak daily demand with the largest source offline. Additionally, DOC has had to purchase water from the Town of Norfolk to supplement its supply. This permit authorizes approval to withdraw water from an additional source, Well 3A. It is believed that Well 3A was constructed as a replacement to Well 3 that was abandoned in 1977, but never put into service. The BRP WS19 pumping test approval permit was issued July 31, 2015. DOC's reported withdrawal volumes for 2012, 2013, and 2014 were 0.33 MGD, 0.34 MGD and 0.34 MGD, respectively. Additionally, DOC's reported purchased water volumes are 3.369 MGY, 1.613 MGY and 5.169 MGY for 2012, 2013, and 2014.

The Water Management Act

Permit Factors

Section 7 of the Act requires that MassDEP issue permits that balance a variety of factors including:

- Reasonable protection of existing water uses, land values, investments and enterprises;
- 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.

Safe Yield Permit Factor

Among the minimum permit factors Section 7 of the WMA requires is a determination by MassDEP that permitted water withdrawals are within the safe yield of the water source from which they are made. Section 2 of the Act defines “safe yield” as: “the maximum dependable withdrawal that can be made continuously from a water source including ground or surface water during a period of years in which the probable driest period or period of greatest water deficiency is likely to occur; provided however, that such dependability is relative and is a function of storage and drought probability”. The calculation of safe yield is further described in Section 36.13 of the Regulations promulgated on November 7, 2014. The calculation takes into account all existing allocated registered and permitted volumes. DOC’s permit application requests an additional withdrawal point to access the withdrawal volume already allocated through DOC’s WMA Registration Statement. No additional water has been allocated in this permit; therefore there are no changes to the safe yield of the Charles River Basin.

For the purposes of the Water Management Program, MassDEP considers a water source to be the river basins delineated by the Water Resources Commission at 31 CMR 4.03. A map of the major river basins delineated by the Commission can be viewed in the Department of Conservation and Recreation guidance document “A Guide to the Interbasin Transfer Act and Regulations”.

Findings of Fact for Special Permit Conditions

In issuing permits, MassDEP looks primarily at site-specific impacts and other issues specific to the system, such as impacts to nearby streams, wetlands, or other water users, justification of long-term demand projections and the capacity of permitted withdrawal points. The conditions are intended to ensure the efficient use of water and to mitigate the potential impact of withdrawals.

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.

The Massachusetts Water Resources Management Program regulations were revised in November 2014. The regulations provide protections for coldwater fishery resources, minimization or withdrawal impacts in areas already stressed by groundwater uses, and mitigation of withdrawal impacts of increasing withdrawals for permittees who will withdraw increasing amounts of water. Well 3A is located in subbasin ID 21134. There are no coldwater fishery resources within the subbasin and the Net Groundwater Depletion percentage is less than 25% therefore minimization is not required. DOC's baseline volume is 0.49 MGD based on the registered volume. Because this permit does not authorize any additional volume above the baseline, a mitigation plan is not required.

DOC provided information to MassDEP that outdoor water use at the MCI-Norfolk facility includes a greenhouse and outdoor plantings. However, the source of water for those uses is from rain barrels. No irrigation systems exist at any of the facilities. A greenhouse also exists at the Baystate Correctional Center, but it is currently closed. Based on the information provided to MassDEP, there are no nonessential outdoor water uses. If outdoor water uses at the facilities are proposed to change in the future, DOC should contact MassDEP to determine if the Permit should be amended to include a special condition that restricts nonessential outdoor water uses. Examples of outdoor water use that are essential include those required for health or safety reasons; by regulation; for the production of food and fiber; for the maintenance of livestock; or to meet the core functions of a business (for example, irrigation by golf courses as necessary to maintain tees, greens, and limited fairway watering, or irrigation by plant nurseries as necessary to maintain stock).

Special Condition 1, Maximum Authorized Annual Average Withdrawal Volume, reflects the registered withdrawal volume of 0.49 MGD (178.85 MGY) with no permitted increase through the permit expiration date, February 28, 2033.

Special Condition 2, Maximum Authorized Daily Withdrawal from each Withdrawal Point, reflects the maximum daily withdrawal rate for the proposed well, according to the MassDEP approved pumping test approval and Zone II delineation.

Special Condition 3, Ground Water Supply Protection, requirements have been met for the permit application process. A copy of the Zone II for Well 3A was submitted to the Town of Norfolk in January 2016 along with a request that the Zone II be adopted into Norfolk's Zoning bylaw. This Best Effort request is required to be repeated at MassDEP's direction until the Zone II is adopted.

Special Condition 4, Requirement to Report Raw and Finished Water Volumes, ensures that the information necessary to evaluate compliance with the conditions included herein is accurately reported.

Special Condition 5, Water Conservation Requirements, incorporates the Water Conservation Standards for the Commonwealth of Massachusetts reviewed and approved by the Water Resources Commission in 2006 and updated in 2012.

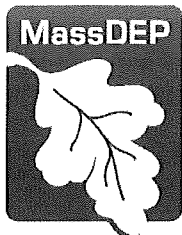
Response to Comments on Draft Permit

Comments on the Draft permit were received from the Charles River Watershed Association. The comments included a request for MassDEP to enforce the minimization requirement even though the net groundwater depletion for the subbasin is less than 25%. Well 3A is located farther downstream in the subbasin and farther away from the surface waters than the existing wells and therefore inherently meets MassDEP's source optimization requirement in minimization. Additionally, the facility has been completely retrofitted with water saving devices for toilets, showers, and faucets.

The second comment was a request to include a permit condition that a permit amendment would be required if the nonessential outdoor water use is proposed to change in the future. It is not standard practice for MassDEP to predict all potential actions by a permittee that would require a permit amendment and include those as permit conditions. Permittees are required in the regulations at 310 CMR 36.29 to apply for a permit amendment to change the conditions of a permit, the Findings of Fact of this permit reminds DOC of that requirement.

The final comment requests a change in Special Condition 5 to an earlier compliance date. MassDEP agrees with this comment as the date was incorrectly stated in the draft permit and has changed the compliance date to February 28, 2018.

Finally, MassDEP has updated the General Conditions of this permit to add General Condition 9 and to include more specific language on the appeal rights.



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WATER WITHDRAWAL PERMIT MGL 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 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: 9P4-2-20-208.02

RIVER BASIN: Charles

PERMITTEE: Department of Correction

ISSUANCE DATE: June 2, 2016

EXPIRATION DATE: February 28, 2033

NUMBER OF WITHDRAWAL POINTS: 1
Groundwater: 1 Surface Water: 0

USE: Public Water Supply

DAYS OF OPERATION: 365

LOCATION(S):

Table 1: Withdrawal Point Identification

Source Name	PWS Source ID Code
Well 3A	2208001-*

*The final PWS Source ID Code will be assigned when the water quality sampling schedule and the final on-line approval letter are issued.

SPECIAL PERMIT CONDITIONS

1. Maximum Authorized Annual Average Withdrawal Volume

This permit authorizes the withdrawal of water, on average over a calendar year, at the rates described below (Table 2). The volumes reflected are the 0.49 million gallons per day (MGD) previously registered to the Department of Correction (“DOC”) under Water Management Act registration #220208.04. This permit authorizes one additional source, Well 3A, from which to withdraw the registered volume. No additional volume is authorized through this permit. The rates below are expressed in millions of gallons, both as an average daily withdrawal rate per year and as a total annual withdrawal volume for each five-year period of the permit term.

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

Table 2: Maximum Authorized Withdrawal Volumes

Permit Periods	Total Raw Water Withdrawal Volumes			
	Permit		Permit + Registration	
	Daily Average (MGD)	Total Annual (MGY)	Daily Average (MGD)	Total Annual (MGY)
6/2/2016 to 2/28/2018	0	0	0.49	178.85
3/1/2018 to 2/28/2023	0	0	0.49	178.85
3/1/2023 to 2/28/2028	0	0	0.49	178.85
3/1/2028 to 2/28/2033	0	0	0.49	178.85

2. Maximum Authorized Daily Withdrawals from Each Withdrawal Point

Withdrawals from individual withdrawal points are not to exceed the approved maximum daily volumes listed below in Table 3 without specific advance written approval from MassDEP. The authorized maximum daily volume is the approved rate of each source.

Table 3: Maximum Authorized Daily Withdrawal Volumes

Source Name	PWS Source ID Code	MGD
Well 3A	2208001-*	0.63 (440 gpm)

*The final PWS Source ID Code will be assigned when the water quality sampling plan and the final on-line approval letter are issued.

3. Ground Water Supply Protection

MassDEP's records indicate that the Zone II delineation for Well 3A is located within the Town of Norfolk. MassDEP requires that non-municipal public water systems demonstrate a "Best Effort" in acquiring Ground Water Supply Protection. The Best Effort Requirement will need to be repeated, at MassDEP's direction, for WMA water withdrawal permit reviews or amendments; new source approvals (including replacement wells); monitoring waiver applications; Zone II re-delineations; and Sanitary Survey stipulations, until the Town of Norfolk adopts the appropriate controls and includes the Zone II for Well 3A within its aquifer protection district.

4. Requirement to Report Raw and Finished Water Volumes

Permittee shall report annually on its ASR the raw water volumes and finished water volumes for the entire water system and the raw water volumes for individual water withdrawal points.

5. Water Conservation Requirements

At a minimum, Permittee shall implement the following conservation measures forthwith and shall be in compliance with these measures on or before February 28, 2018. Compliance with the water conservation requirements shall be reported to MassDEP upon request or by February 28, 2018, unless otherwise noted in Table 4.

Table 4: Minimum Water Conservation Requirements

System Water Audits and Leak Detection
1. At a minimum, conduct a full leak detection survey of the water mains every three years. The first full leak detection survey shall be completed within three years of the last survey or by February 28, 2018 if one was not completed in 2015.
2. Conduct field surveys for leaks and repair programs in accordance with the <i>AWWA Manual 36</i> .
3. Permittee shall have repair reports available for inspection by MassDEP. Permittee shall establish a schedule for repairing leaks that is at least as stringent as the following: <ul style="list-style-type: none">• Leaks of 15 gallons per minute or more shall be repaired as soon as possible but not later than one month after leak detection.*• Leaks of less than 15 gallons per minute, but greater than 5 gallons per minute, shall be repaired as soon as possible but not later than two months after leak detection.*• Leaks of 5 gallons per minute or less shall be repaired as soon as possible but not later than six months after leak detection, except that hydrant leaks of one gallon or less per minute shall be repaired as soon as possible.*• Leaks shall be repaired in accordance with the priority schedule including leaks up to the property line, curb stop or service meter, as applicable. Have water use regulations in place that require property owners to expeditiously repair leaks on their property. The following exceptions can be considered: <ul style="list-style-type: none">• Repair of leakage detected during winter months can be delayed until weather conditions become favorable for conducting repairs.* *Reference: MWRA regulations 360 CMR 12.09

Metering
1. Calibrate all source and finished water meters at least annually and report date of calibration on the ASR.
Public Sector Conservation
1. Permittee shall meet the standards set forth in the Federal Energy Policy Act, 1992 and the Massachusetts Plumbing Code.
2. Meter or estimate water used by contractors using fire hydrants for pipe flushing and construction.

GENERAL PERMIT CONDITIONS (applicable to all permittees)

No withdrawal in excess of 100,000 gallons per day over the registered volume (if any) shall be made following the expiration of this permit, unless before that date MassDEP has received a renewal permit application pursuant to 310 CMR 36.00.

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 water 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 over which Permittee has authority, title or control, 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. 150, § 111, 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 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 submitted as specified on the report form.
7. **Duty to Maintain Records:** The Permittee shall be responsible for maintaining withdrawal and all other records as specified by this permit.
8. **Metering:** Withdrawal points shall be metered. Meters shall be calibrated annually. Meters shall be maintained and replaced as necessary to ensure the accuracy of the withdrawal records.
9. **Right to Amend, Suspend or Terminate:** MassDEP may amend, suspend or terminate the permit in accordance with M.G.L. c. 21G and 310 CMR 36.29.

APPEAL RIGHTS AND TIME LIMITS

This permit is a decision of MassDEP. Any person aggrieved by this decision may request an adjudicatory hearing as described herein and in accordance with the procedures described at 310 CMR 36.37. 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. The hearing request, including proof of payment of the filing fee, must be mailed to:

Case Administrator
MassDEP Office of Appeals and Dispute Resolution
One Winter Street
Boston, MA 02108

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

MassDEP's fee transmittal form, 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.

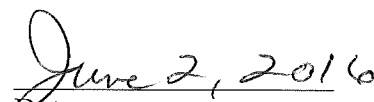
EXEMPTIONS

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.


Marielle Stone, Deputy Regional Director
Bureau of Water Resources
Central Regional Office


Date