July 8, 2021 (final revised)

To the Great Barrington Board of Health

334 Main Street

Great Barrington, MA 01230

I am concerned about the delays in remedying the Housatonic WaterWorks issues. The health and well-being of our town is at stake since water is a critical natural resource. Housatonic/Great Barrington in some areas suffer from the reputation of not having safe water and this deficiency needs to be corrected as a major priority.

In addition to immediate issues, the strategic planning of providing Housatonic with safe water needs to be put into context within Great Barrington’s long term water resource plan. Having met with the GB Fire District recently, I feel they are concerned with these issues, especially the adequacy of our water resources with the growth of Great Barrington/Housatonic. In sum, we have a finite supply of readily accessible water unless new, accessible sources are identified.

I have reviewed Mass DEP’s evaluation, its directives over the last several years and many of HWW’s annual reports to the Mass Dept. of Public Utilities. In addition, I have studied the reports from the Town, including The DPC Engineering report (Oct. 29, 2018). My research materials include the plethora of correspondence from MassDEP that clarifies repeatedly what it requires to address the wide variations in water quality produced by HWW.

Some corrective actions have been taken and others proposed. HWW commissioned “Cornwell Engineering Group from Newport News, VA” (Oct. 2020) and then followed up with a study by Lenard Engineering, Inc., LEI, to evaluate treatments for removing manganese.

The LEI report, dated March 2021, states in its conclusion, that HWW “has been effective in meeting State and Federal drinking water standards”. This statement is bold, not accurate and an overreach. It calls into question its objectivity. (MassDEP has continued to rate HWW’s water system as being “conditional”.) Their reasons are identified further in this transmittal. LEI proposes a system with a cost estimate is $1.7 million and $22,000 for annual operations which does not include labor, water treatment chemicals and other incidental costs. While helpful, the report begs the question as to what issues it does NOT cover and who pays for this long overdue filtration system.

At this point, major concerns point to the lack of investments over a long period of time. Referring to the requests by MassDEP, they range from filtration systems to a Capital Improvement Plan “which prioritizes water main replacement projects, anticipated cost, and a 5 and 10 year schedule for the priority projects, specific to water main replacement”. HWW has submitted a past capital expenditures plan ending 2020, it does not address the future plans or commitments which is the focus of MassDEP questions. In essence, HWW does not appear to place any priority on solving the larger issue of replacing its severely dated distribution system.

HWW’s replies generally fall into the category of transactional corrections or diversionary answers to circumvent continued surveillance and testing. The public cannot continue to be subjected to HWW’s modus operandi of not meeting requirements unless reported by its users in large numbers.

In addition to system failures, MassDEP has also pointed to infractions relate to operating practices and the lack of adherence to requirements that focus on providing clean water to the public. As a result, MassDEP continues to rate HWW’s system as being “conditional”. Its latest comprehensive report dated November 6, 2020, reports on the Sanitation Survey” conducted by two engineers on Sept. 16, 2020. The on-site review covers “water sources, facilities, equipment, operations and maintenance of a public water system for the purpose of evaluating the system’s ability to produce and distribute safe drinking water.”

Contrary to the press releases that focuses the problem on manganese, MassDEP detailed issues with HWW that reveal the core of its equipment and operations that contribute to uneven water quality. The following is an abstract of many of its issues with HWW:

1. The number of ignored violations and infractions on record
2. The absence of proper equipment to monitor additives and filtration issues
3. The lack of operating procedures including the monitoring of water quality stating “Mr. Mercer must be spending at least two hours on site at the treatment plant and must develop and maintain a log sheet demonstrating compliance with this requirement.”
4. The excess leakage of water which is 3-4 times what is targeted (otherwise it raises costs and consumer rates)
5. Ignored implementation of “agreed-to”, signed Administration Consent Order (in 2016 to install a corrosion control treatment system)
6. The water filtration plant which dates to 1939 and “the two filters do not meet MassDEP requirements”.
7. Maintenance: HWW “has not re-sanded its 2 filters in the last 20 years” and may have iron and manganese…embedded within the filters.”
8. Sourcing water: HWW had substantial vegetation “reportedly increased in the last several years.” It needs to “address vegetation, algae and color levels within Long Pond or to proposed extending the intake to a location away …to a lower depth in the reservoir…”
9. HWW does not have a current hydraulic study of its distribution system. By December 31, 2021, “shall provide…that a new hydraulic study of its entire distribution system has been completed.”
10. “Certain areas of the distribution system reportedly have inadequate pressure for fire protection” and needs to code all hydrants to depict water pressure and provide them to local fire officials.
11. HWW last cleaned its tank in 2016. MassDEP requires that by June 20, 2021, HWW “submit a tank inspection and cleaning report.”
12. Other requirements include not having an updated “Emergency Response Plan (ERP) since 2015 as well as a “yearly training exercise” and is required to submit this.

In December 2020, Mr. Mercer wrote to the legal counsel of Mass Dept. of Public Utilities to request discontinuance of the special testing requests from MassDEP. While Mr. Mercer has corrected some of the irregularities by calling on maintenance companies to check its equipment, it has violated the public trust and that of the governing authorities. MassDEP requirements have been created to **prevent** the problems it has identified. But it appears that HWW uses the public to identify its symptoms (“don’t fix it unless it’s broke”), and then if reported to MassDEP, the agency must diagnose the problems so HWW can continue to operate under its own auspices.

It is a great concern to me that a private utility should not operate by its own rules, absent standards required by the legal authorities that govern public utilities. In doing so, it subjects the public to its shortcomings and limitations. Further, we should be concerned that the Town not incur liabilities as a result of these continuing issues.

RECOMMENDATIONS. While the water utilities are governed by State agencies such as the Department of Public Utilities, should the Town call on these State resources (including Senator Hinds) for a plan to create a solution with all due haste? Would the resolution qualify for infrastructure funding? Other issues should be taken into consideration include the following:

* In light of HWW’s record, can the Town allow its residents to be subjected to HWW’s non-compliant, non-public operation? Shouldn’t the public be provided access to a vital resource as basic as clean water?
* Should a Housatonic Fire District (HFD), a quasi-governmental entity like the GBFD, be created with a long-term vision so that clean water resources are available, protected and delivered to Great Barrington’s entire community?
* Should there be a moratorium on transactions regarding land around Long Pond, an important water resource, to ensure that new, potential safe-water proposals are not encumbered?

If the Board of Health agrees, I suggest that public awareness be created by requesting the Select Board call for a public hearing and facilitate developing a resolution. I believe this request is compelling and the timing of a solution is urgent.

Sincerely,

Sharon Gregory

32 Hollenbeck Ave.

Great Barrington, MA 01230