



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

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March 3, 2022

Mr. James Mercer, Treasurer
Housatonic Water Works
80 Maple Ave Ste 1
Great Barrington, MA 01230

Re: Great Barrington– DWP
Housatonic Water Works
PWS ID #1113003
Enforcement
000012548

Dear Public Water Supplier:

THIS IS AN IMPORTANT NOTICE. FAILURE TO TAKE ADEQUATE ACTION IN RESPONSE TO THIS NOTICE COULD RESULT IN SERIOUS LEGAL CONSEQUENCES. THIS NOTICE IS ISSUED PURSUANT TO M.G.L. c. 21A, § 16, 310 CMR 5.00 AND G.L. c. 111, §§ 159-160 AND 310 CMR 22.00.

Please find attached the referenced Notice of Noncompliance (NON) for noncompliance with the Department of Environmental Protection (the Department), Massachusetts Drinking Water Regulations, 310 CMR 22.00.

The enclosed NON addresses Disinfection Byproduct Maximum Contaminant Level (MCL) violations during the third and fourth quarter of 2021. The NON also addresses reporting and public notice violations.

Enclosed with the NON is a Violation Response Form with Compliance Schedule Approval (CSA), which includes required compliance actions and deadlines. Please sign and return the CSA Form. The signature on this cover letter indicates formal issuance of the attached documents. If you have any questions regarding this matter, please contact me at (413) 755-2148 or Douglas Paine at 413-755-2281 or douglas.paine@mass.gov.

Respectfully,

Deirdre Doherty
Drinking Water/Municipal Services Chief
Western Regional Office

Enclosures

cc: Boston DWP

BOH

Operator & Supt

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This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

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Massachusetts Department of Environmental Protection

Bureau of Water Resources – Drinking Water Program

DISINFECTION BYPRODUCTS RULE (DBPR) VIOLATION

NOTICE OF NONCOMPLIANCE (NON)

With Violation Response/Compliance Schedule Approval (CSA) Form

M.G.L. c. 21A, § 16, 310 CMR 5.00

Attention: Public Water Supplier

A General Information

Housatonic Water Works
80 Maple Ave Ste 1
Westfield, MA 01085

CITY/TOWN: Great Barrington

PWS ID # 1113003

CLASS: COM

ENF DOC#: 00012548

B Location Where Noncompliance Occurred

Great Barrington, MA

C Description of Violations under M.G.L. c. 111, §§159-160 and 310 CMR 22.00

The Department of Environmental Protection (MassDEP) Drinking Water Program has determined that you are in violation of the Disinfection Byproducts Rule for the following checked contaminant(s) and monitoring period(s):

Contaminant	Monitoring Period(s)
Disinfection Byproducts - Haloacetic Acids 5 (HAA5)	3 rd & 4 th Quarter 2021

Below is a description of the regulation(s) you have violated

DISINFECTION BYPRODUCTS - MAXIMUM CONTAMINANT LEVEL, REPORTING & PUBLIC NOTICE VIOLATIONS

Your public water system violated the maximum contaminant level (MCL) specified in 310 CMR 22.07E(1) and 310 CMR 22.07F(7)(d) for the disinfection byproduct(s) and monitoring period(s) listed in the Section C table above.

Your public water system failed to notify the public of the violation of the maximum contaminant level (MCL) for the disinfection byproduct(s) and monitoring period(s) listed in the Section C table above as required by 310 CMR 22.16(3).

Your public water system failed to report to MassDEP the violation of the maximum contaminant level (MCL) for the disinfection byproduct(s) and monitoring period(s) listed in the Section C table above as required by 310 CMR 22.07F(16)(a)1.d and 310 CMR 22.15.

Your public water system failed to report to MassDEP the analytical results for the contaminant(s) and monitoring period(s) listed in the Section C table above as required by 310 CMR 22.07E(9)(a) and 310 CMR 22.15.

D Action to Be Taken, and the Deadline for Taking Such Action

By April 4, 2022, submit to MassDEP for its review and approval a written proposal setting forth how and when you propose to come into compliance with the requirements cited in Section C of this NON, by **completing and submitting the attached Disinfection Byproducts Rule Violation Response/Compliance Schedule Approval Form (“compliance plan”)** and **conducting all required public notice**. To return to compliance, you must implement the compliance

plan, including the schedule for completing the activities proposed, as approved by MassDEP. If you are a repeat violator, the compliance plan must include a plan to prevent future noncompliance. If you determine that you need additional time to complete and submit the compliance plan, you may request an extension **before** the submission deadline by contacting Douglas Paine at (413) 755-2281 or by email at douglas.paine@mass.gov.

E ***Important Information***

If you, the Supplier of Water, fail to take any action MassDEP now wants you to take by the prescribed deadline, or if you otherwise fail to remain in compliance in the future with the applicable requirements, you could be subject to legal action, including, but not limited to, criminal prosecution, court-imposed civil penalties, or civil administrative penalties assessed by MassDEP. A civil administrative penalty may be assessed for every day from now on that you are in noncompliance with the requirements specified above. MassDEP reserves its right to exercise the full extent of its legal authority to obtain compliance with all applicable requirements.

Additionally, to avoid being placed on EPA's list of public water systems with unaddressed violations, and not on a path to compliance, it is essential to completely respond to all MassDEP enforcement actions, including Notices of Noncompliance and Compliance Schedule Approval (NONCSA). Failure to promptly comply with the NONCSA process will result in the underlying violations shown as federal and state 'unaddressed' violations.

Date: March 3, 2022



Deirdre Doherty
Drinking Water/Municipal Services Chief
Bureau Water Resources
Western Regional Office

cc: Boston OE, Boston DWP
BOH
MassDEP-WERO-J.Gibbs; H. Pokharel, D. Paine

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Massachusetts Department of Environmental Protection
Bureau of Water Resources – Drinking Water Program

DISINFECTION BYPRODUCTS RULE (DBPR) VIOLATION RESPONSE AND COMPLIANCE SCHEDULE APPROVAL (CSA) FORM

M.G.L. c. 21A, §16, 310 CMR 5.00

Failure to complete and return this form, and failure to take the actions required to return to compliance, could result in serious legal consequences.

INSTRUCTIONS: By April 4, 2022, please complete and submit this form and supporting documentation to MassDEP at the address specified at the bottom of this form to obtain MassDEP approval of your system's proposed plan for returning to compliance with the requirements cited in your Notice of Noncompliance (NON).

A General Information

Housatonic Water Works
80 Maple Ave Ste 1
Great Barrington, MA 01230

CITY/TOWN: Great Barrington
PWS ID #: 1113003
CLASS: COM
ENF DOC#: 00012548

B Corrective Actions required under M.G.L. c. 111, §§ 159-160 and 310 CMR 22.00

PWS: Please check *all* boxes below that apply.

☐	My system violated the maximum contaminant level (MCL) for the disinfection byproduct(s) and monitoring periods identified in the NON. Violation of the MCL requires Tier 2 public notice in accordance with 310 CMR 22.16(3). I have completed Section C below to address the MCL violation(s) cited in the NON.
☐	My system violated the reporting requirements but has collected and analyzed samples at the required locations for <u>all</u> of the contaminants and monitoring periods described in the NON. My system failed to report any of the results to MassDEP by the applicable deadline. I have completed Section C below to come into compliance with this reporting requirement. I have attached two (2) copies of the monitoring results for the analyses performed during the applicable monitoring periods. I have completed Section C below to come into compliance for all other contaminants and monitoring periods identified in the NON. I have reported the monitoring results for the contaminants and monitoring periods identified in the NON to MassDEP via eDEP on the following dates: _____ and the transaction number(s) is/are: _____. No paper copies of my results are attached. I have completed Section C below to come into compliance for all other contaminants and monitoring periods identified in the NON.
☐	My system failed to notify MassDEP of this violation as required by 310 CMR 22.15 (1). I have completed Section C below to come into compliance with this requirement.

C Request for Compliance Plan Approval

PWS: For each violation cited in the NON, please select **Option 1** or **Option 2** below by checking the appropriate box.

☐ **OPTION 1: MassDEP Approval of Pre-determined Compliance Plan**

For each violation, **I understand that, by selecting Option 1, my system's Compliance Plan for that violation will be deemed approved upon MassDEP's receipt of this completed form if all of these items are selected.**

PWS: Select the schedule and approval options below for violations checked off in Section B above.

DISINFECTANT BYPRODUCTS - MAXIMUM CONTAMINANT LEVEL BOTH ARE REQUIRED

☐	My system has taken immediate action to reduce the levels of the contaminant identified in the NON at the location(s) specified in the NON and other hydraulically similar locations within the distribution system. I will submit a report describing the immediate actions by April 4, 2022.
☐	By May 20, 2022 , my system will submit to MassDEP a report by a Massachusetts Registered Professional Engineer with expertise in Drinking Water compliance documenting the causes of the MCL violation and his or her recommendations for preventing future MCL violations in the water distribution system. The report shall include an alternatives analysis including a feasibility evaluation, effectiveness determination, cost estimate, and implementation schedule. My system will implement the recommended actions set forth in the report as approved by MassDEP in accordance with a schedule approved by MassDEP.

PUBLIC NOTICE AND CONSUMER CONFIDENCE REPORT - BOTH ARE REQUIRED

☐	My system provided public notice of each violation that requires Tier 2 public notice in accordance with 310 CMR 22.16 (3) and submitted to the local Board of Health and MassDEP a certification that it has fully complied with the public notice regulations in accordance with 310 CMR 22.15(3)(b). Two copies of the public notice and certification are attached. My system will repeat the public notice and certification every three months as long as the violation(s) persist(s) unless MassDEP determines in writing that appropriate circumstances warrant a different repeat frequency.
☐	My system will include in its next Consumer Confidence Report (CCR) the following information: an explanation of each monitoring and/or reporting violation in accordance with 310 CMR 22.16A(6)(a); and/or the information on each MCL, treatment technique or MRDL violation required by 310 CMR 22.16A(4)(k).

MONITORING AND REPORTING REQUIRED

☐	My system will collect and analyze the required Disinfection Byproducts samples at the required locations to return to compliance with the monitoring and reporting requirements cited in the NON and submit to MassDEP two (2) copies of the monitoring results by mail or upload via eDEP by the deadlines identified in 310 CMR 22.00.
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☐ **OPTION 2: PWS's Proposed Compliance Plan for Approval**

For each violation, **I understand that, by selecting Option 2, the following is applicable:**

- My Proposed Compliance Plan must be submitted with this Violation Response Compliance Schedule Form by the date specified in Section D of the NON.
- My Proposed Compliance Plan must include a schedule for coming into compliance with each violation cited in the NON for which the system is required to complete Section C and did not select an Option 1 pre-determined compliance plan.
- At a minimum, my Proposed Compliance Plan must address all applicable elements listed in Option 1.
- If my system is a repeat violator, my Proposed Compliance Plan must also include the actions that the system intends to take to prevent future noncompliance.
- MassDEP will notify me by e-mail whether my system's proposed Compliance Plan is approved or whether it must be revised and resubmitted to MassDEP.
- My Proposed Compliance Plan must be implemented as approved.

D**Water Commissioner, Owner, Owner Representative or Other Responsible Party**

I certify that I am duly authorized to complete and submit this form on behalf of the public water system identified above and that the information contained herein is true, accurate and complete to the best of my knowledge and belief. I understand that MassDEP may assess civil administrative penalties in accordance with M.G.L. c. 21A, §16, and 310 CMR 5.00 on any Supplier of Water that fails to comply with the provisions and schedule set forth in a MassDEP-approved Compliance Plan.

Signature: _____

Date: _____

Print Name: _____

Title: _____

Phone #: _____

Email Address: _____

Please return this form and all attachments to:

**MassDEP/DWP
436 Dwight Street
Springfield, MA 01103**

Rev. 2019-08-05