



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

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

By USPS First Class and Certified Mail:
7007 0710 0003 2181 6580

July 25, 2024

Board of Water Commissioners
Chester Water Department
15 Middlefield Road, Town Hall
Chester, MA 01011

Re: DWP-Chester

PWS: Chester Water Department
PWS ID # 1059000
ENF # 00016898
Issuing Bureau: BWR
Issuing Region/Office: WERO
Issuing Program: DWP

BOIL WATER ORDER

Dear Board Members:

The Massachusetts Department of Environmental Protection (“MassDEP”) has determined that the water from your water system could pose an unacceptable risk to public health unless immediate action is taken. MassDEP, therefore, is issuing the enclosed Boil Water Order to you to address this public health risk.

Each requirement contained in this Order will remain in effect until terminated by MassDEP in writing. MassDEP will terminate one or more such requirements after you demonstrate that the principal incident or reason for issuance of this Order has been corrected and that such action is no longer necessary.

If you fail to take any action set forth in this Order by the prescribed deadline, or if you otherwise fail to comply with the requirements of this Order, you could be subject to legal action, as described in the Order.

Pursuant to M.G.L. c. 111, §160, MassDEP may issue such orders as it deems necessary to ensure the delivery of fit and pure drinking water to all consumers. MassDEP reserves its right to exercise this authority, if it determines that additional actions not required by this Order are necessary to ensure that the water provided to consumers is fit for human consumption.

Y:\DWPArchive\WERO\Chester-1059000-ENF-Boil-2024-07-25
This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.
TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

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If you have any questions about the contents of this Order, please contact Andrew Kelly at (617) 875-2710 or Andrew.Kelly@mass.gov.

Sincerely,



Andrew Kelly
Section Chief
Drinking Water Program
Bureau of Water Resources

Attachments: Boil Water Order

Mailed by USPS First Class and Certified Mail # 7007 0710 0003 2181 6580

cc: Board of Health
Certified Operator
MassDEP/DWP Boston

Ecc: MassDPH, BCEH, Community Sanitarian Program, 250 Washington Street, Boston, MA 02108 Attn: Stephen Hughes
MassDPH, Bureau of Climate and Environmental Health, 250 Washington Street, Boston, MA 02108 Attn: Nalina Narain
DPH, Division of Epidemiology, Immunization and Communicable Diseases, 305 South Street, Jamaica Plain, MA 02130, Attn: Patricia Kludt

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

)		
In the matter of:)		BOIL WATER ORDER
)		ENF # 00016898
The Town of Chester)		
)		PWS ID # 1059000
)		

I. THE PARTIES

1. The Massachusetts Department of Environmental Protection (“MassDEP” or the “Department”) is a duly constituted agency of the Commonwealth of Massachusetts established pursuant to M.G.L. c. 21, § 7. MassDEP has its principal office located at 100 Cambridge Street, Boston, Massachusetts 02114, and a regional office located at 436 Dwight Street, Springfield, Massachusetts 01103.
2. The Town of Chester, (the “PWS”) is a Supplier of Water, as defined in 310 CMR 22.02, and owns and operates the Chester Water Department, a Community Water System, which is a type of Public Water System, as defined in 310 CMR 22.02, located in Chester, Massachusetts. The PWS’ business address is 15 Middlefield Road, Town Hall, Chester, Massachusetts 01011.

II. STATEMENT OF FACTS AND LAW

3. MassDEP has primary enforcement responsibility for the requirements of the Federal Safe Drinking Water Act, 42 U.S.C. § 300f *et seq.* and the regulations promulgated thereunder by the United States Environmental Protection Agency (“EPA”), 40 CFR Part 141. MassDEP implements and enforces statutes and regulations of the Commonwealth of Massachusetts for the protection of the public drinking water supply, including, without limitation, M.G.L. c. 111, §5G and §160, and 310 CMR 22.00 (“the Massachusetts Drinking Water Regulations”). Pursuant to M.G.L. c. 111, §160, MassDEP may issue such orders as it deems necessary to ensure the delivery of fit and pure drinking water by public water systems to all consumers. Pursuant to M.G.L. c. 111, §5G, MassDEP may require the provision and operation of such treatment facilities as it deems necessary to ensure the delivery of a safe water supply to all consumers. Pursuant to M.G.L. c. 111, §2C, MassDEP may issue such orders to any person in violation of any law or regulation MassDEP is authorized to enforce.
4. The Massachusetts Drinking Water Regulations apply to all Public Water Systems in the Commonwealth. The regulations define a “Public Water System” as a system for the provision to the public of water for human consumption, through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days of the year. Public Water Systems include: (1) any collection, treatment, storage, and distribution facilities under control of the

operator of such systems and used primarily in connection with such systems; and (2) any collection or pretreatment storage facilities not under such control that are used primarily in connection with such systems. *See* 310 CMR 22.02.

5. The following facts have led MassDEP to issue this Order:
 - A. The Massachusetts Drinking Water Regulation at 310 CMR 22.20A(3)(b) defines Disinfection Requirements for Public Water Systems Which Provide Filtration as follows:
 - (1) 310 CMR 22.20A(3)(b)1a. The Disinfection treatment must be sufficient to ensure that the total treatment processes of that system achieve at least 99% (2-log) removal of *Cryptosporidium*, at least 99.9% (3 log) inactivation and/or removal of *Giardia lamblia* cysts and at least 99.99% (4 log) inactivation and/or removal of Viruses, as determined by the Department.
 - (2) 310 CMR 22.20A(3)(b)1b. Failure to provide this Disinfection treatment on a daily basis constitutes a treatment technique violation of 310 CMR 22.20A(3)(b)1. The Department must be notified within 24 hours of the failure to provide Disinfection as required.
 - (3) 310 CMR 22.20A(3)(b)2. The Residual Disinfectant Concentration in the water entering the Distribution System, measured as specified in 310 CMR 22.20A(5)(a)2. and (c)2., cannot be less than 0.2 mg/l for more than four hours.
 - B. On July 23, 2024, during monthly report review, MassDEP identified violations of 310 CMR 22.20A(3)(b)1a and 310 CMR 22.20A(3)(b)1b, committed by the PWS during the month of June.
 - C. On July 24, 2024, MassDEP was notified via email of the occurrence of four days in the month of July 2024 where minimum chlorine residuals were below 0.2mg/L for more than 4 consecutive hours. This is a violation of 310 CMR 22.20A(3)(b)2.
 - D. On July 24, 2024, MassDEP confirmed the above-referenced violations during an on-site visit with the PWS.
 - E. Inadequately disinfected water may include harmful levels of *Cryptosporidium*, *Giardia lamblia* cysts and/or of Viruses, all of which, at unacceptable levels, pose a health risk to consumers. Violation of 310 CMR 22.20A(3)(b)1a and 310 CMR 22.20A(3)(b)2 are treatment technique violations that may pose an unacceptable health risk to consumers and requires immediate public notification in accordance with 310 CMR 22.16.
 - F. On July 24, 2024, at approximately 2PM, MassDEP notified the PWS that a Boil Water Order would be issued, due to inadequately disinfected water, and directed the PWS take corrective action, and notify its consumers to either boil their tap water for

at least one minute before consuming until further notice. In addition, MassDEP informed the PWS at that this Order would remain in place until all treatment components were working properly to adequately treat the water and comply with Surface Water Regulations.

III. DISPOSITION AND ORDER

For the reasons stated above, MassDEP hereby Orders the PWS to take the following actions pursuant to M.G.L. c. 111, §§5G and 160. This Order shall be binding on the PWS and on its successors, heirs, and assigns. The PWS shall not violate this Order, and shall not allow or suffer its employees, agents, or contractors to violate this Order. Pursuant to M.G.L. c. 21A, § 16 and 310 CMR 5.00, MassDEP hereby determines that the deadlines set forth below constitute reasonable time for coming into compliance with the provisions cited above.

6. The PWS is hereby ORDERED to take the following actions:

- A. **PROVIDE NOTIFICATION AND INFORMATION TO THE PUBLIC.** As soon as practical but no later than twenty-four (24) hours after MassDEP verbally notified the PWS of the terms of this Order which occurred on July 24, 2024, at 2:00 PM, the PWS shall notify all consumers in PWS' service area to boil their tap water for at least one minute before drinking or using for purposes of human consumption, such as cooking, ice-making, dishwashing, and maintaining oral hygiene (e.g., teeth brushing), until further notice. In addition, the PWS' notice shall instruct consumers to discard any ice, juice, formula, and uncooked foods that were prepared with water from the PWS' distribution system on or after July 24, 2024. The PWS may instruct consumers to use bottled water or water from a MassDEP-approved alternative source of supply in lieu of boiling. The notification required by this paragraph shall conform to the requirements for Tier 1 Public Notice in 310 CMR 22.16(2)(a), (b) and (c) and 310 CMR 22.16(5).
- B. **PROVIDE NOTIFICATION AND INFORMATION TO LOCAL OFFICIALS.** As soon as possible but no later than twenty-four (24) hours after obtaining knowledge of the actual or potential emergency, which occurred on July 24, 2024, at 2:00 PM, the PWS shall notify the chief municipal officer(s), local board(s) of health, and other emergency personnel, as appropriate, in the PWS' service area of the contamination and the planned response. The notification required by this paragraph shall conform to the requirements for Emergency Reporting in 310 CMR 22.15(9).
- C. **IMPLEMENT EMERGENCY RESPONSE PLAN.** The PWS shall immediately begin to implement the PWS' Emergency Response Plan in accordance with 310 CMR 22.04(13) and take all necessary actions to identify and remedy any actual or potential causes of contamination.
- D. **SUBMIT PUBLIC NOTICE CERTIFICATION.** The PWS shall submit to MassDEP and the local Board of Health a certification, in accordance with 310 CMR 22.15(3)(b), that it has fully complied with the public notification regulations **within ten (10) days** of completing the public notification requirements under 310 CMR 22.16. The PWS shall

include with this certification a representative copy of each type of notice distributed, published, posted, and made available to the persons served by PWS and to the media.

- E. **CONDUCT MONITORING AS NECESSARY TO ENSURE THE DELIVERY OF A FIT AND PURE WATER SUPPLY** As soon as practical, the PWS shall collect samples as directed by MassDEP in accordance with 310 CMR 22.03(2). Such sampling shall continue until MassDEP determines that the principal incident or reason for the violation has been corrected and the water no longer poses a risk to health. In addition to reporting the results to MassDEP via eDEP or by mailed copy, the PWS shall direct the laboratory it engages to analyze the samples to immediately notify Linda Tims at MassDEP of the analytical results by electronic mail at Linda.Tims@mass.gov at the same time that it provides the results to the PWS and the PWS shall immediately notify MassDEP after learning of the analytical results from the laboratory.
- F. **SUBMIT AN EMERGENCY RESPONSE REPORT**. The PWS shall complete and submit an Emergency Response Report (ER Report - Form 1) to MassDEP **within thirty (30) days** of the date of the Order, in accordance with 310 CMR 22.15(9)(c). The Emergency Response Report shall include the following information at a minimum: detailed timeline of the incident and response; evaluation of the incident; recommendations for improvements to emergency response planning, training and communication; recommendations for improvements to water system operations, staffing and budget; timeline for making all recommended changes; and an updated emergency response plan except for those items that are security sensitive.
- G. **CCR REPORTING FOR COMMUNITY WATER SYSTEMS**. PWS shall use its next annual Consumer Confidence Report (CCR) to provide information pertaining to this Order to its customers in accordance with 310 CMR 22.16A.

7. Except as otherwise specifically provided for herein, all notices, submittals, and other communications to MassDEP required by this Order shall be directed to:

Andrew Kelly
MassDEP
436 Dwight Street
Springfield, MA 01103
E-Mail: Andrew.Kelly@mass.gov

8. The PWS is advised that, if it fails to comply with this Order, M.G.L. c. 111, § 160 provides for fines and civil penalties of up to \$25,000 and by imprisonment for up to one year for each day during which each violation covered by this Order continues or is repeated. The PWS is further advised that if it fails to comply with this Order, M.G.L. c. 21A, § 16 provides for civil administrative penalties of up to \$25,000, plus the economic benefit realized for such noncompliance.

IV. APPEAL RIGHTS AND TIME LIMITS

9. Pursuant to M.G.L. c. 111, §§147 and 163, whoever is aggrieved by this Order may, within three (3) days after service of the Order, give written notice of

appeal to MassDEP and file a petition for a jury in the superior court in the county where the premises affected are located, and, after notice to MassDEP, may have a trial in the same manner as other civil cases are tried by jury. If by mistake of law or fact or by accident such person fails within said three (3) days to apply for a jury, and if it appears to the court that such failure was caused by such mistake or accident, and that such person has not, since the service of the Order, violated it, such person may apply for a jury within thirty (30) days of such service. Pursuant to M.G.L. c. 111, §163, any such aggrieved person must comply with this Order while the appeal is pending, unless otherwise authorized in writing by MassDEP.

Massachusetts Department of Environmental Protection
For the Commissioner,

By: 

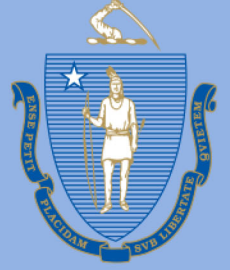
Michael Gorski
Regional Director

Date: July 25, 2024

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重要 महत्वपूर्ण σημαντικός
Important
կարևոր quan trọng مهم



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 Diversity Director at the telephone number listed below.

Español Spanish

Este documento es importante y debe ser traducido de inmediato. Si necesita este documento traducido, comuníquese con la Directora de Diversidad de MassDEP al número de teléfono que aparece más abajo.

Português Portuguese

Este é um documento importante e deve ser traduzido imediatamente. Se precisar de uma tradução deste documento, entre em contato com o Diretor de Diversidade da MassDEP nos números de telefone listados abaixo.

繁體中文 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聯絡 MassDEP 多元化負責人。

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 的多元化主任联系。

Ayisyen Kreyòl Haitian Creole

Dokiman sa-a se yon bagay enpòtan epi yo ta dwe tradwi l imedyatman. Si ou bezwen dokimar sa a tradwi, tanpri kontakte Direktè Divèsite MassDEP la nan nimewo telefòn endike anba.

Việt Vietnamese

Tài liệu này rất quan trọng và cần được dịch ngay lập tức. Nếu quý vị cần dịch tài liệu này, xin liên lạc với Giám đốc Đa dạng của MassDEP theo các số điện thoại ghi dưới đây.

ប្រទេសកម្ពុជា Khmer/Cambodian

ឯកសារនេះគឺសំខាន់ហើយគួរត្រូវបានបកប្រែភ្លាមៗ។ ប្រសិនបើអ្នកត្រូវការឱ្យគេបកប្រែឯកសារនេះ:

សូមទាក់ទងមកនាយកដ្ឋានពិពិធកម្មរបស់ MassDEP តាមលេខទូរស័ព្ទខាងក្រោម។

Kriolu Kabuverdianu Cape Verdean

Kel dokumentu li é inportáti y debe ser traduzidu imidiatamenti. Se bu meste di kel dokumentu traduzidu, pur favor kontakta Diretor di Diversidádi di MassDEP na numeru abaxu indikadu.



Contact Glynis L. Bugg, Acting Diversity Director/Civil Rights 857-262-0606

**Massachusetts Department of Environmental Protection
100 Cambridge Street 9th Floor Boston, MA 02114**

TTY# MassRelay Service 1-800-439-2370 • <https://www.mass.gov/environmental-justice>

(Version revised 1.5.2023) 310 CMR 1.03(5)(a)

Русский Russian

Это важный документ, и он должен быть безотлагательно переведен. Если вам нужен перевод данного документа, пожалуйста, свяжитесь с директором по вопросам многообразия (Diversity Director) компании MassDEP по указанному ниже телефону.

العربية Arabic

هذه الوثيقة مهمة ويجب ترجمتها على الفور. إذا كنت بحاجة إلى هذه الوثيقة مترجمة، يرجى الاتصال بمدير التنوع (MassDEP ٨٥٧٢٦٢٠٦٠٦) على أرقام الهواتف المدرجة أدناه.

한국어 Korean

이 문서는 중요하고 즉시 번역해야 합니다. 이 문서의 번역이 필요하시다면, 아래의 전화 번호로 MassDEP의 다양성 담당 이사에 문의하시기 바랍니다.

հայերէն Armenian

Այս փաստաթուղթը կարևոր է և պետք է անմիջապես թարգմանվի: Եթե Ձեզ անհրաժեշտ է այս փաստաթուղթը թարգմանել, դիմեք MassDEP-ի բազմազանության տնօրենին ստորև նշված հեռախոսահամարով:

فارسی Farsi Persian

این نامه و مدارکی که بدست شما رسیده خیلی مهم و قانونی است. اگر شما احتیاج دارید که این نامه و مدارک به زبان فارسی ترجمه بشود لطفت خیلی زود به ماساچوست سازمان محیط زیست (MassDEP) در شماره تلفن ٨٥٧٢٦٢٠٦٠٦ تماس بگیرید.

Français French

Ce document est important et devrait être traduit immédiatement. Si vous avez besoin de ce document traduit, veuillez communiquer avec le directeur de la diversité MassDEP aux numéros de téléphone indiqués ci-dessous.

Deutsch German

Dieses Dokument ist wichtig und sollte sofort übersetzt werden. Sofern Sie eine Übersetzung dieses Dokuments benötigen, wenden Sie sich bitte an den Diversity Director MassDEP unter der unten aufgeführten Telefonnummer.

Ελληνική Greek

Το παρόν έγγραφο είναι σημαντικό και θα πρέπει να μεταφραστεί αμέσως. Αν χρειάζεστε μετάφραση του παρόντος εγγράφου, παρακαλούμε επικοινωνήστε με τον Διευθυντή Διαφορετικότητας του MassDEP στους αριθμούς τηλεφώνου που αναγράφονται παρακάτω.

Italiano Italian

Comunicazione per parti che non parlano inglese. Questo documento è importante e dovrebbe essere tradotto immediatamente. Se avete bisogno di questo documento tradotto, potete contattare il Direttore di Diversità di MassDEP al numero di telefono elencato di seguito.

Język Polski Polish

Dokument ten jest ważny i powinien zostać natychmiast przetłumaczony. Jeśli potrzebujesz przetłumaczonej wersji dokumentu, prosimy o kontakt z dyrektorem ds. różnorodności MassDEP pod jednym z numerów telefonu wymienionych poniżej.

हिन्दी Hindi

यह दस्तावेज़ महत्वपूर्ण है और इसका तुरंत अनुवाद किया जाना चाहिए. यदि आपको इस दस्तावेज़ का अनुवाद करने की आवश्यकता है, तो कृपया नीचे सूचीबद्ध टेलीफोन नंबरों पर मासडेप्स डाइवर्सिटी के निदेशक से संपर्क करें.

Contact **Glynis L. Bugg, Acting Diversity Director/Civil Rights 857-262-0606**

**Massachusetts Department of Environmental Protection
100 Cambridge Street 9th Floor Boston, MA 02114**

TTY# MassRelay Service 1-800-439-2370 • <https://www.mass.gov/environmental-justice>

(Version revised 1.5.2023) 310 CMR 1.03(5)(a)