



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

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JUL 28 2005

TOWN OF WAYLAND
BOARD OF HEALTH

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KERRY HEALEY
Lieutenant Governor

July 26, 2005

Wayland Water Department
Town Office Building/41 Cochituate Road
Wayland MA 01778

Attn: David Fields, Superintendent

RE: WAYLAND
Wayland Water Department
PWS ID# 3315000
Program: Enforcement
Action: NON
Activity No.: NON-NE-05-5D053

NOTICE OF NONCOMPLIANCE

Dear Mr. Fields:

The Department of Environmental Protection (the "Department") has determined that you are operating a Public Water Supply System as defined by the Drinking Water Regulations of Massachusetts, 310 CMR 22.00.

Department records indicate that your Public Water Supply System is in noncompliance with one or more laws, regulations, orders, licenses, permits or approvals enforced by the Department, i.e., a Coliform MCL Violation, and, that this is the second non-compliance of this type to occur within a 12-month period. If this type of noncompliance occurs for a third time within a 12-month period, the Wayland Water Department will be considered to be in danger of becoming a significant non-complier, and, at that time will be required to submit a plan detailing what specific actions will be taken to prevent any further non-compliance from occurring. In addition, you may be subjected to federal enforcement action if you become a significant non-complier.

Attached hereto is a written description of (1) each activity referred to above, (2) the requirements violated (3) the action that the Department now wants you to take, and (4) the deadline to take such action. A civil administrative penalty may be assessed for every day that you are in noncompliance with the requirements referred to in this notice as provided in G.L.C. 21A, §16.

Notwithstanding this Notice of Noncompliance, the Department reserves the right to exercise the full extent of its legal authority in order to achieve full compliance with all applicable requirements including, but not limited to, criminal prosecution, court-imposed civil penalties, or civil administrative penalties.

Please note that the Signature on this cover letter indicates formal issuance of the attached document. If you have any questions regarding this letter, please contact Anita Wolovick at 617.654.6535 or anita.wolovick@state.ma.us.

Very truly yours,



Madelyn Morris
Deputy Regional Director
Bureau of Resource Protection

MM/cm/aw

Cc: DEP/DWP/WQA, 1 Winter St. Boston
Board of Health, 41 Cochituate Road, Wayland MA 01778

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Wayland-NON-NE-05-5D053
July 26, 2005

**NOTICE OF NONCOMPLIANCE
NONCOMPLIANCE SUMMARY**

NAME OF ENTITY IN NONCOMPLIANCE:

Wayland Water Department

LOCATION WHERE NONCOMPLIANCE OCCURRED OR WAS OBSERVED:

Wayland, MA

DATE WHEN NONCOMPLIANCE OCCURRED OR WAS LAST OBSERVED:

June 2005

DESCRIPTION OF NONCOMPLIANCE:

Total Coliform Rule (TCR) Maximum Contaminant Level (MCL) violation:

Four (4) routine distribution system samples, collected in June 2005, showed the presence of total coliform bacteria.

DESCRIPTION OF REQUIREMENTS NOT COMPLIED WITH:

1. 310 CMR 22.05(8)(a) 2. - For a system which collects fewer than 40 routine samples per month, if no more than one sample collected during a month is total coliform positive, the system is in compliance with the Maximum Contaminant Level (MCL) for total coliform.

ACTION TO BE TAKEN, AND THE DEADLINE FOR TAKING SUCH ACTION:

1. **By August 19, 2005**, in compliance with 310 CMR 22.16 (3) (c) 1. a. and b., you must notify persons served by your public water system of the violation noted above by:

a. Mail or other direct delivery to each customer receiving a bill, and, to other service connections to which water is delivered by the public water system, and,

b. Any other method reasonably calculated to reach other persons regularly served by the system if they would not normally be reached by the notice required in Paragraph 1.a., above, e.g., publication in a newspaper of general circulation serving the area.

2. **By August 12, 2005** you must submit to the Department at the letterhead address, by fax (617.292.5850, Attn: Anita Wolovick), or by e-mail (anita.wolovick@state.ma.us) a **draft** public notice. Enclosed is a form notice that contains the required information for the public notice. Adapt this notice to your violation and submit to the Department for review and approval.

3. **By September 2, 2005** you must submit to the Department and to the Wayland Board of Health a signed copy of the enclosed Certification Form, filled out in its entirety, accompanied by a copy of the public notice as published/ delivered.

4. A five year review of Department files showed that Wayland also had violations of the coliform bacteria MCL in 2001, 2003, and twice in 2004. In view of this fact, and the fact that Wayland is in danger of

becoming a significant non-complier, the Department has determined that **on or before October 1, 2005**, Wayland shall submit a report, prepared by a Professional Engineer skilled in the practice of water supply, which outlines the cause(s)/suspected cause(s) of the aforementioned bacterial contamination and MCL violations in the Wayland water system. The report shall contain recommendations to correct any problems identified, including a schedule with dates for implementation of such recommendations. Thereafter, Wayland shall implement the recommendations set forth in the report, as approved by the Department, in accordance with a schedule approved by the Department. Failure to implement the recommendations set forth in the report as approved by the Department in accordance with the schedule approved by the Department shall be a violation of the Notice of Non-Compliance.

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