

Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

DEVAL L. PATRICK  
Governor

RICHARD K. SULLIVAN JR.  
Secretary

TIMOTHY P. MURRAY  
Lieutenant Governor

KENNETH L. KIVMELL  
Commissioner

September 26, 2011

Michael Hatch  
Wayland Water Division  
41 Cochituate Road  
Wayland, MA 01778

**RE:** City/Town: Wayland  
PWS Name: Wayland Water Division  
PWS-ID No.: 3315000  
Program: Enforcement  
Action: Notice of Noncompliance  
Tier 2 Public Notice  
Enforcement No.: NON-NE-11-5D045

Dear Mr. Hatch:

The Massachusetts 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., Coliform MCL Violation.

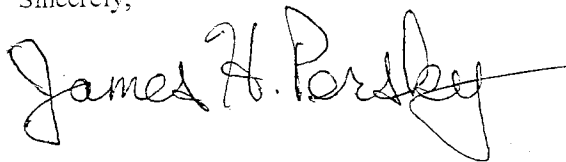
Attached hereto is a written description of (1) each activity referred to above, (2) the requirements violated (3) the action that the Department now wants you to take, and (4) the deadline to take such action. A civil administrative penalty may be assessed for every day that you are in noncompliance 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 James Persky at (978) 694-3227.

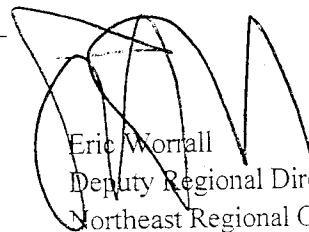
File Name: Y:\DWP Archive\NERO\Wayland-3315000-Enforcement-2011-09-26

Sincerely,



James H. Persky  
Environmental Analyst  
Drinking Water Program

Sincerely,



Eric Worrall  
Deputy Regional Director for Resource Protection  
Northeast Regional Office

EW/jp

cc: DEP/DWP/WQA, 1 Winter St., Boston  
Julia Junghanss, Wayland Health Department, 41 Cochituate Road, Wayland, MA 01778

**NOTICE OF NONCOMPLIANCE  
NONCOMPLIANCE SUMMARY**

NAME OF ENTITY IN NONCOMPLIANCE:

Wayland Water Division

LOCATION WHERE NONCOMPLIANCE OCCURRED OR WAS OBSERVED:

Wayland, MA

DATE WHEN NONCOMPLIANCE OCCURRED OR WAS LAST OBSERVED:

August 2011

DESCRIPTION OF NONCOMPLIANCE:

Total Coliform Rule (TCR) MCL violation:

After collecting a total of 33 samples, not including raw samples, 3 routine/repeat samples were positive for total coliform.

DESCRIPTION OF REQUIREMENTS NOT COMPLIED WITH:

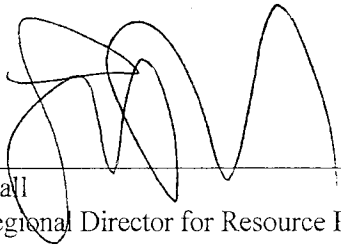
1. Per 310 CMR 22.05(8)(a)2., Maximum Contaminant Levels (MCLs) for microbiological contaminants, for a system which collects fewer than 40 routine samples per month, if no more than one sample collected during a month is total coliform-positive, the system is in compliance with the MCL for total coliform. Routine and repeat samples from the distribution system and entry point treated water samples count toward the total number of samples for compliance purposes. Three samples collected in August 2011 were total coliform-positive, so the system was out of compliance with the MCL for total coliform.

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

1. **By October 7, 2011**, you must submit to the Department at the letterhead address, by fax (978-694-3498 Attn: James Persky), or by e-mail (james.persky@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.
2. **By October 21, 2011**, in compliance with 310 CMR 22.16(3)(c)1.a., you must notify persons served by your public water system of the violation noted above by 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
3. **By October 21, 2011**, in compliance with 310 CMR 22.16(3)(c)1.b., you must notify persons served by your public water system of the violation noted above by another method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice required in 310 CMR 22.16(3)(c)1.a. Other methods may include: Publication in a local newspaper; delivery of multiple copies for distribution by customers that

provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places served by the system or on the Internet; or delivery to community organizations.

4. **By October 21, 2011**, 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 delivered.
5. **By October 21, 2011**, provide a written report to the Department for its review and approval that details the probable cause of why the violation occurred and corrective actions to be taken to prevent future violations. The report shall also comment on the adequacy of the emergency response plan (ERP) and include recommendations of any needed improvements.



Eric Worrall  
Deputy Regional Director for Resource Protection  
Northeast Regional Office

Date: September 26, 2011

**CERTIFIED MAIL: 70111150000114546384**

Persky, James (DEP)

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**From:** Persky, James (DEP)  
**Sent:** Thursday, September 29, 2011 10:17 AM  
**To:** 'Hatch, Mike'  
**Subject:** RE: NON for Monthly Coliform MCL violation in August

I reviewed the draft public notice, and it looks all right.

Jim Persky

-----Original Message-----

**From:** Hatch, Mike [<mailto:mhatch@wayland.ma.us>]  
**Sent:** Wednesday, September 28, 2011 2:35 PM  
**To:** Persky, James (DEP)  
**Subject:** RE: NON for Monthly Coliform MCL violation in August

Mr Persky,

I have attached a copy of the draft public notice for your approval.

If you have any questions or comments please e-mail or call me at (508) 358-3699

Thank you,

Michael Hatch  
Wayland DPW

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**From:** Persky, James (DEP) [<mailto:james.persky@state.ma.us>]  
**Sent:** Tue 9/27/2011 2:15 PM  
**To:** Hatch, Mike; Water  
**Subject:** NON for Monthly Coliform MCL violation in August

Mr. Hatch,

MassDEP has issued a Notice of Noncompliance to Wayland because the Monthly Coliform MCL was exceeded in August. For water systems that collect less than 40 coliform samples in a month, if more than 1 sample tests positive for total coliform, the Monthly MCL is violated. Wayland had 3 positive total coliform samples in August.

An electronic copy of the NON that has been mailed to you is attached. The other attached documents are a template that can be used for the public notice language, and the public notice certification form.

If you have any questions, please call or e-mail me. I will be out of the office on Wed., Sept. 28, for at least the morning.

---

James Persky  
MassDEP Drinking Water Program  
Northeast Regional Office  
(978) 694-3227  
(978) 694-3498 (FAX)



**TOWN OF WAYLAND  
DEPARTMENT of PUBLIC WORKS  
WATER DIVISION  
41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778  
Phone (508) 358-3672  
Fax (508) 358-3679**

## **IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

### **Tests Showed Coliform Bacteria in Wayland's Water**

Our water system recently violated a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did to correct this situation.

We routinely monitor for drinking water contaminants. We collected thirty three (33) samples to test for the presence of coliform bacteria during August 2011. Three (3) of our samples showed the presence of total coliform bacteria. The standard is that no more than one (1) sample per month may test positive for coliform bacteria.

#### **What should I do?**

- **You do not need to boil your water or take other corrective actions.** However, if you have specific health concerns, consult your doctor.

People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1 (800) 426-4791.

#### **What does this mean?**

**This is not an emergency.** If it had been, you would have been notified immediately. Coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*

Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing, and further testing shows that this problem has been resolved.**

#### **What happened?**

The Wayland Water Division suspects, although we cannot be certain that, compromised sample bottles contributed to the positive coliform sample results.

#### **What did we do?**

Upon notification of the original three (3) positive sample results, the Wayland Water Division collected repeat samples and increased the chlorine dosage rate at all treatment points. As a secondary precaution new chlorine injection pumps were also installed.

For more information, please contact Michael Hatch at (508) 358-3699 or 41 Cochituate Road Wayland.

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses).*

This notice is being sent to you by Wayland Water Division. PWS ID#: 3315000 Date distributed:

Persky, James (DEP)

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From: Persky, James (DEP)  
Sent: Wednesday, October 12, 2011 2:36 PM  
To: 'Hatch, Mike'  
Subject: RE: Notice

Mike,

I didn't receive this from Don last week because my e-mail address is James.Persky, not Jim.Persky. I've looked it over and for the most part, the changes look okay. Here are my comments:

1. Where the line "What steps were taken to address the problem?" was added, this info is already included below in the "What did we do?" section. MassDEP recommends putting the "What should I do?" before "What did we do?" Our feeling is that when people see a notice like this, their first reaction is "Oh no, what do I need to do about this?" So we give them that info first. If the Town really wants to discuss its own actions first, you can just move the "What did we do?" section up to here.
2. I don't think that the "This is an advisory notice..." sentence is easy to understand. It would be more straightforward to say something like "We are required to give you this notice because our water system violated the coliform bacteria drinking water standard in August." But if the Town Manager wants to word it that way, it's acceptable to MassDEP.

-----  
James Persky  
MassDEP Drinking Water Program  
Northeast Regional Office  
(978) 694-3227  
(978) 694-3498 (FAX)

-----Original Message-----  
From: Hatch, Mike [<mailto:mhatch@wayland.ma.us>]  
Sent: Wednesday, October 12, 2011 1:29 PM  
To: Persky, James (DEP)  
Subject: FW: Notice

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From: Ouellette, Don  
Sent: Thu 10/6/2011 1:50 PM  
To: [jim.persky@state.ma.us](mailto:jim.persky@state.ma.us)  
Cc: Turkington, Frederic; Hatch, Mike  
Subject: Notice

Jim

Enclosed is a revised notice that we would like to send out. Fred Turkington, Town Administrator also sent this notice to you for approval. If you can please call me 774 270 4022 if this is okay. We will be mailing it out next week. We think it flows better and makes more sense.

Don Ouellette P.E.

DPW Director





**TOWN OF WAYLAND  
DEPARTMENT of PUBLIC WORKS  
WATER DIVISION  
41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778  
Phone (508) 358-3672  
Fax (508) 358-3679**

**IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

**Tests Showed Coliform Bacteria in Wayland's Water**

As required by state regulation, this notice is to advise you that Our water system recently violated a drinking water standard. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did to correct this situation.

We routinely monitor for drinking water contaminants. We collected thirty three (33) samples to test for the presence of coliform bacteria during August 2011. Three (3) of our samples showed the presence of total coliform bacteria. The standard is that no more than one (1) sample per month may test positive for coliform bacteria.

**What steps were taken to address the problem?**

(list remedy here)

**What should I do?**

- **You do not need to boil your water or take other corrective actions.** However, if you have specific health concerns, consult your doctor.

People with severely compromised immune systems, infants, and some elderly may have been at increased risk. These people may wish to [should] seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from EPA's Safe Drinking Water Hotline at 1 (800) 426-4791.

**What does this notice mean?**

**This is an advisory notice of three positive tests indicating the presence of coliform bacteria last month. This is not an emergency.** If it had been, you would have been notified immediately. Coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*

Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing, and further testing shows that this problem has been resolved.**

**What happened?**

The Wayland Water Division suspects, although we cannot be certain that, compromised sample bottles contributed to the positive coliform sample results.

**What did we do?**

Upon notification of the original three (3) positive sample results, the Wayland Water Division collected repeat samples and increased the chlorine dosage rate at all treatment points. As a secondary precaution, new chlorine injection pumps were also installed.

For more information, please contact Michael Hatch at (508) 358-3699 or 41 Cochituate Road Wayland.

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses).*

This notice is being sent to you by Wayland Water Division. PWS ID#: 3315000 Date distributed:

7010 1870 0001 2151 7160

Street Ap or PO Box  
City State  
Wilmington, MA 01887

Postage \$  
Certified Fee  
Return Receipt Fee (Endorsement Required)  
Restricted Delivery Fee (Endorsement Required)  
Total Postage & Fees \$

*James Persky*

Postmark Here

OFFICIAL USE  
U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)  
For delivery information visit our website at www.usps.com

TOWN OF WAYLAND  
DEPARTMENT of PUBLIC WORKS  
WATER DIVISION  
41 COCHITUATE ROAD  
WAYLAND, MASSACHUSETTS 01778  
Phone (508) 358-3672  
Fax (508) 358-3679

October 19, 2011

RE: NON-NE-11-5D045  
PWS-ID: 3315000

Dear Mr. Persky,

This letter is to report the probable cause, of the Wayland Water Division's violation of the total coliform MCL. On August 16, 2011 we collected our first set, of our monthly routine coliform samples. We were notified August 18, 2011 that three of those samples tested positive for total coliform.

New samples were collected and transported for analysis on August 18, 2011. We immediately checked the chlorine residual and increased it as needed at all of our pumping stations. A call was made to Mass. DEP and a message was left.

The finished water sample at Chamberlain Well tested positive for coliform while the raw water sample tested absent. These samples were taken twenty minutes apart. It is a possibility that the raw and finished water samples were miss labeled, as the chlorine residual at the time was 1.0 ppm leaving the well at the time the sample was taken.

The two distribution samples that test positive for coliform were the Reeves Hill Station and the Wayland Town Hall. We cannot rule out poor sampling technique or compromised bottles. The Happy Hollow well site have tested positive for coliform in the raw water so as a precaution two new chlorine injection pumps were purchased and installed at both Happy Hollow wells.

The emergency response plan appears to need no improvements at this time and we have reviewed our sampling procedures to eliminate any possible sampling errors in the future.

Sincerely,

*Michael Hatch*

Michael Hatch  
Wayland DPW

RECEIVED

OCT 20 2011

DEP  
NORTHEAST REGIONAL OFFICE

Massachusetts Department of Environmental Protection  
Drinking Water Program  
Public Notification

**CERTIFICATION**

Make sure to send your regional office of the DEP Drinking Water Program and local Board of Health a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (310 CMR 22.15(3)(b)). **When you certify, you are also stating that you will meet future requirements for notifying new units of the violation.** The following statement could be copied onto the bottom or reverse of the copy of the notice you sent to your DEP regional office. Refer to pages 13-14 of the EPA and the Association of State Drinking Water Administrators (ASDWA) *Public Notification Handbook*. The EPA/ASDWA *Handbook* provides additional aids to help water systems develop notices for violation situations. An electronic copy of the Public Notification Handbook is available at EPA's web site ([www.epa.gov/safewater/pn.html](http://www.epa.gov/safewater/pn.html)). **Please note that the EPA/ASDWA Handbook templates are non-state specific so Massachusetts's water suppliers are required to use the Massachusetts' version of the templates for compliance purposes.** Electronic copies of the Massachusetts' public notification templates are available on the DEP website <http://www.state.ma.us/dep/brp/dws/publnot.htm>.

PWS ID# 3315000

PWS Name: Wayland Water Division

City/Town: Wayland

Community       Non-community

For Violation: Total Coliform Rule MCL

Occurring on: August 2011  
(Date(s) of violation)

The Public Water system indicated above hereby affirms that public notice has been provided to consumers in accordance with 310 CMR 22.16 including: delivery, content, format requirements, notification deadlines and that the Public Water system will meet future requirements for notifying new billing units and new customers of the violation.

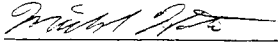
Consultation with DEP on August 19,2011  
[Date]

Notice distributed by Direct Mail on 10/20/2011  
[Method] [Date]

Notice Distributed by Local News Paper/ Town Web Site on 10/20/2011  
[Method] [Date]

*I certify under penalty of law that I am the person authorized to fill out this form and the information contained herein is true, accurate and complete to the best of my knowledge and belief.*

Michael Hatch  
[ Name]

  
[Signature of owner or operator]

10/20/2011  
[Date]



**WAYLAND DEPARTMENT OF PUBLIC WORKS**  
TOWN OF WAYLAND

41 COCHITUATE ROAD, Wayland, Massachusetts 01778-2697

(508) 358-3672 • FAX (508) 358-3679

Don Ouellette, Director

## **IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

### **Tests Showed Coliform Bacteria in Wayland's Water**

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#### **What steps were taken to address the problem?**

##### **What did we do?**

Upon notification of the original three (3) positive sample results, the Wayland Water Division collected repeat samples and increased the chlorine dosage rate at all treatment points. As a secondary precaution, new chlorine injection pumps were also installed.

##### **What should I do?**

- **You do not need to boil your water or take other corrective actions.** However, if you have specific health concerns, consult your doctor.

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##### **What does this notice mean?**

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##### **What happened?**

The Wayland Water Division suspects, although we cannot be certain that, compromised sample bottles contributed to the positive coliform sample results.

For more information, please contact Michael Hatch at (508) 358-3699 or 41 Cochituate Road Wayland.

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses).*

This notice is being sent to you by Wayland Water Division. PWS ID#: 3315000 Date distributed: 10/18/2011