



COMMONWEALTH OF MASSACHUSETTS  
 EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 METROPOLITAN BOSTON - NORTHEAST REGIONAL OFFICE

MITT ROMNEY  
 Governor

MERRY HEALEY  
 Lieutenant Governor

STEPHEN R. PRITCHARD  
 Secretary

ROBERT W. GOLLEDGE, Jr.  
 Commissioner

November 14, 2005

David Fields, Superintendent  
 Wayland Water Department  
 Town Office Building/41 Cochituate Road  
 Wayland MA 01778

Re: City/Town: Wayland  
 PWS Name: Wayland Water Department  
 PWS ID #: 3315000  
 Program: Enforcement  
 Action: Notice of Enforcement Conference  
 Activity No.: ACOP-NE-05-5D011

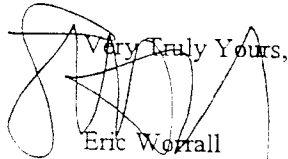
**THIS IS AN IMPORTANT NOTICE. FAILURE TO TAKE ADEQUATE ACTION IN RESPONSE TO THE NOTICE COULD RESULT IN SERIOUS LEGAL CONSEQUENCES.**

Dear Mr. Fields:

The Department of Environmental Protection has determined that your Public Water Supply is in noncompliance with one or more laws, regulations, requirements, orders, licenses, permits or approvals enforced by the Department. The noncompliance identified relates to a violation of the Total Coliform Rule. The attached document details the Department's understanding of the noncompliance. As a next step, the Department intends to take enforcement in response to the noncompliance. A copy of the proposed enforcement document has been included for your review.

Prior to proceeding with enforcement, the Department requests you attend an enforcement conference to discuss these issues on November 16, 2005 at 10:00 AM as outlined on in the attached document. Please contact Anita Wolovick as outlined on page 2 of this notice to confirm if you will attend the enforcement conference. If you plan to be represented by counsel at the conference, please indicate that when contacting this office.

Please note that as of November 14, 2005, MassDEP Northeast Regional Office will be located at 205B Lowell Street, Wilmington, MA 01887.

  
 Very Truly Yours,

Eric Worrall  
 Deputy Regional Director  
 Bureau of Resource Protection  
 Northeast Regional Office

EW/aw


cc: DEP Drinking Water Program/WQA, 1 Winter Street, Boston MA (no attachment)

File name: Y:\DWP Archive\NERO\Wayland-3315000-Enforcement-2005-11-14

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator, at 1-617-556-1057. TDD Service - 1-800-298-2207.

205B Lowell St. Wilmington, MA 01887 • Phone (978) 694-3200 • Fax (978) 694-3499 • TDD # (978) 694-3492

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City/Town: Wayland  
PWS: Wayland Water Department  
PWS ID: 3315000

November 14, 2005

NOTICE OF ENFORCEMENT CONFERENCE

**THIS IS AN IMPORTANT NOTICE. FAILURE TO TAKE ADEQUATE ACTION IN RESPONSE TO THE NOTICE COULD RESULT IN SERIOUS LEGAL CONSEQUENCES.**

Wayland Water Department is in violation of Drinking Water Regulations of Massachusetts 310 CMR 22.05 Maximum Contaminant Level (MCL) for total coliform, and Drinking Water Regulations of Massachusetts 310 CMR 22.16 Public Notification Requirements.

As a next step, the Department intends to take enforcement in response to the above-described violations. The Department believes that enforcement is the best tool for bringing the system into compliance with the Regulations and ensuring a reliable supply of water is provided to those served by the system.

Prior to proceeding with enforcement, the Department requests that you attend an enforcement conference to discuss these issues on the following date and time.

LOCATION: DEP, Northeast Regional Office, 205B Lowell St., Wilmington, MA 01887

DATE: Wednesday, November 16, 2005

TIME: 10:00 AM

The purpose of this enforcement conference is to provide you with the opportunity to discuss the alleged violations and return to compliance schedule. The enforcement conference will also provide you with an opportunity to reach a negotiated agreement with the Department.

The Department believes that prompt resolution of this enforcement case in a manner that ensures your expeditious return to compliance and resolves all outstanding issues is beneficial and consistent with the Department's environmental protection goals. Prompt settlement may also decrease the resources you and the Department might expend on protracted litigation of the issues.

If you do not attend the enforcement conference or reach a negotiated settlement, the Department will initiate the appropriate enforcement action. You will have limited, if any, further opportunity to reach a negotiated settlement of this case.

Please contact Anita Wolovick of this office by November 14 at (978) 694-3228 to confirm if you will attend the enforcement conference. If you plan to be represented by counsel at the conference, please indicate that when contacting this office.

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

In the Matter of )  
Town of Wayland )

ACOP-NE-05-5D011  
ADMINISTRATIVE CONSENT ORDER

**I. The Parties**

1. The Department of Environmental Protection (the "Department") is a duly constituted agency of the Commonwealth of Massachusetts established pursuant to M.G.L. c. 21A, § 7. The Department maintains its principal office at One Winter Street Boston Massachusetts 02108.
2. The Town of Wayland (Wayland or the Town) is a duly constituted political subdivision of the Commonwealth of Massachusetts, which operates and maintains a public water supply system through its Wayland Water Department and maintains its principal offices at 41 Cochituate Road, Wayland MA 01778.

**II. Statement of Facts and Law**

3. The Department is the agency responsible for ensuring the delivery of safe drinking water to Massachusetts consumers in accordance with G.L.c. 111, sec. 5G and 159 et seq. and the regulations promulgated thereunder, the Drinking Water Regulations at 310 CMR 22.00 et seq. The Department is authorized to enforce the Safe Drinking Water Act, 42 U.S.C. sec. 3000(f) et seq. (the "SDWA") and the regulations promulgated thereunder by the United States Environmental Protection Agency (the "EPA").
4. The Department pursuant to G.L.c. 21A, sec. 2(28) and G.L.c. 111 sec. 5G and 160 may adopt rules and regulations and issue such orders as it deems necessary to ensure the delivery of safe drinking water to consumers by public water systems.
5. The Department has authority under M.G.L. c. 21A, § 16 and the Administrative Penalty Regulations at 310 CMR 5.00 to assess civil administrative penalties to persons in noncompliance with the laws and regulations set forth above.
6. The Drinking Water Regulations at 310 CMR 22.02 define a Public Water System as a system for the provision of piped water for human consumption 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.
7. Wayland by and through the Water Department provides piped water for human consumption through at least 15 service connections and regularly provides piped water for human consumption to approximately 13,849 people at least 60 days of the year. Wayland operates a public water system within the meaning of 310 CMR 22.02 and is subject to the Drinking Water Regulations, 310 CMR 22.00 et seq.

8. The Drinking Water Regulations of Massachusetts (the "DWRM"), 310 CMR 22.04(7), provide that each supplier of water must operate and maintain the system in a manner that ensures the delivery of safe drinking water to consumers.
9. 310 CMR 22.03(1) - Compliance: No source of water used by a public water system, no system of water supply used by a public water system, and no treatment facilities or treatment works used by a public water system shall be deemed by the Department to be safe, fit, or pure, or in any other way approved, and shall not be used either for regular or emergency use, unless the drinking water supplied to the users of such public water system complies with 310 CMR 22.00.
  - a. 310 CMR 22.03(1)(a) - Failure to comply with 310 CMR 22.00 constitutes a violation.
  - b. 310 CMR 22.03(1)(b) - For any violation of 310 CMR 22.00, when so determined by the Department, the Department may set a schedule for compliance within an Administrative Consent Order or other enforceable document with specific interim measures that the supplier of water must take. Failure to meet the schedule or interim measures constitutes a violation of 310 CMR 22.00.
10. 310 CMR 22.03(2) - The Department may require a public water system to sample and analyze its water for any parameter at any location and frequency that the Department deems necessary to ascertain the purity of water and fitness of a system to ensure the delivery of a fit and pure water supply to all consumers. The Department may presume that a public water system that has failed to report monitoring results to the Department in accordance with 310 CMR 22.00 has failed to conduct such monitoring.
11. 310 CMR 22.05(1)(a) - Routine Coliform Monitoring: Each supplier of water shall collect total coliform samples at sites which are representative of water throughout the distribution system, at the entry point to the distribution system, and at storage facilities as determined by the Department.
  - a. On September 20, 2005 Wayland Water Department collected routine distribution samples for total coliform.
  - b. Bacteriological Analysis Report submitted to the Department for the month of September indicated that the routine distribution sample taken on September 20, 2005 at Sunrise Assisted Living, located at 285 Commonwealth Ave., was total coliform positive.
12. 310 CMR 22.05(2)(a) - Repeat Monitoring: If a routine sample is total coliform-positive, the public water system must collect a set of repeat samples within 24 hours of being notified of the positive result.
  - a. On September 22, 2005, Wayland collected a repeat sample at Sunrise Assisted Living along with a sample at 264 Commonwealth Ave., reported as upstream of Sunrise Assisted Living, and at 321 Commonwealth Ave., reported as down-stream of Sunrise Assisted Living.
  - b. Bacteriological Analysis Report submitted to the Department for the month of September 2005 indicated that the repeat distribution sample taken on September 22, 2005 at 264 Commonwealth Ave. was total coliform positive, and that repeat samples taken at Sunrise Assisted Living along with a sample at 321 Commonwealth Ave. tested negative for total coliform bacteria.
  - c. Bacteriological Analysis Report submitted to the Department for the month of September indicated that the repeat distribution samples taken on September 26, 2005 at all three locations were negative for total coliform bacteria.

13. 310 CMR 22.05(2)(d) - Repeat Monitoring: If a repeat sample is total coliform-positive, the public water system must collect a set of repeat samples within 24 hours of being notified of the positive result.
  - a. A period of an additional three days passed before Wayland collected the last round of repeat samples.
14. 310 CMR 22.05 (8)(a)2: For a system which collects fewer than 40 routine samples/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.
  - a. Wayland is required to collect fifteen (15) routine samples/month
  - b. Wayland had a total of two (2) coliform positive samples during the month of September 2005 monitoring period
  - c. 310 CMR 22.05 (8)(c): A public water system must determine compliance with the MCL for total coliforms in 310 CMR 22.05(8)(a) and 310 CMR 22.05(8)(b) for each month in which it is required to monitor for total coliform.
15. 310 CMR 22.05(7)(a) - Response to Violation: A public water system which has exceeded the MCL for total coliform in 310 CMR 22.05(8) must report the violation to the Department no later than the end of the next business day after it learns of the violation, and notify the public in accordance with 310 CMR 22.16.
  - a. Wayland did not notify the Department of the September 2005 violation in accordance with 310 CMR 22.05(7)(a).
16. 310 CMR 22.05(1)(a) - Routine Coliform Monitoring: Each supplier of water shall collect total coliform samples at sites which are representative of water throughout the distribution system, at the entry point to the distribution system, and at storage facilities as determined by the Department.
  - a. On Tuesday October 18, 2005 Wayland Water Department collected routine distribution samples.
  - b. On October 19, 2005, Wayland was notified by the certified lab that the sample collected at Fire Station #2, located at 145 Main Street in Wayland, tested positive for coliform bacteria.
17. 310 CMR 22.05(2)(a) - Repeat Monitoring: If a routine sample is total coliform-positive, the public water system must collect a set of repeat samples within 24 hours of being notified of the positive result.
  - a. On October 20, 2005, Wayland collected a repeat sample at Fire Station #2 along with a sample at 163 Main Street, reported as upstream of the fire station, and at 115 Main Street, reported as downstream of the fire station.
  - b. On October 21, 2005, Wayland was notified by the certified lab that all repeat samples collected tested positive for coliform bacteria, and that the sample collected at 163 Main Street tested positive for E. coli.
18. 310 CMR 22.05(5)(a) - Fecal Coliform/Escherichia coli (E.coli): If any routine or repeat sample is total coliform-positive, the system must analyze that total coliform-positive culture medium to determine if fecal coliform are present, except that the system may test for E. coli in lieu of fecal coliform. If fecal

coliform or *E. coli* are present, the system must notify the Department by the end of the day that the system is notified of the test result, unless the system is notified of the result after the Department is closed, in which case the system must notify the Department before the end of the next business day.

- a. 310 CMR 22.16(2)(b)2. - Tier 1 Public Notice Timeframe and Additional Requirements for Tier 1 Notification: Each supplier of water required to give Tier 1 notification shall - Initiate consultation with the Department as soon as practical, but no later than 24 hours after the supplier learns of the violation or situation, to determine additional public notice requirements
  - b. On October 21, 2005, Wayland left a voice mail message notifying the Department that the sample at 163 Main Street tested positive for *E. coli* and the sample at Fire Station #2 and 115 Main Street tested positive for total coliform. Initial consultation did not occur until Monday, October 24, 2005.
19. 310 CMR 22.05(8)(a)2 - For a system which collects fewer than 40 routine samples/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.
- a. Wayland had a total of four (4) coliform positive samples during the month of October 2005 monitoring period
20. 310 CMR 22.05(8)(b) - Maximum Contaminant Levels (MCLs) for Microbiological Contaminants: Any fecal coliform-positive repeat sample or *E. coli*-positive repeat sample, or any total coliform-positive repeat sample following a fecal coliform-positive or *E. coli*-positive routine sample constitutes a violation of the MCL for total coliform. For purposes of the public notification requirements in 310 CMR 22.16, this is a violation that may pose an acute risk to health.
- a. 310 CMR 22.16(1)(a) - Public Water Systems Required to Notify: Each supplier of water for a public water system shall give notice for all violations of National Primary Drinking Water Regulations (NPDWR), Massachusetts Drinking Water Regulations and for other situations, as listed in table 1 or specified by the Department in writing.
  - b. 310 CMR 22.16(2)(a)1 - Tier 1 Public Notice: Violation of the MCL for total coliforms occurs when fecal coliform or *E. coli* are present in the water distribution system (as specified in 310 CMR 22.05(8)(b)), or when the water system fails to test for fecal coliforms or *E. coli* when any repeat sample tests positive for coliform (as specified in 310 CMR 22.05).
  - c. 310 CMR 22.16(2)(b)1 - Timeframe and Additional Requirements for Tier 1 Notification: Each supplier of water required to give Tier 1 notification shall: Provide a public notice as soon as practical but no later than 24 hours after the supplier learns of the violation;
  - d. 310 CMR 22.16(2)(c)1.a. - Form and Manner of Public Notice: Each supplier of water shall provide the notice within 24 hours in a form and manner reasonably calculated to reach all persons served. The form and manner used by the supplier are to fit the specific situation, but shall be designed to reach residential, transient, and non-transient users of the water system and meet the minimum format requirements specified by the Department:
    - (1) In order to reach all persons served, each supplier of water is required to use, at a minimum, one or more of the following forms of delivery: Appropriate broadcast media (such as radio and television);
  - e. Wayland failed to notify the public as required in 310 CMR 22.16(2)(c)1.a.

November 14, 2005

21. On October 21, 2005, Wayland increased the chlorine residual entering the distribution system from the pump stations. Wayland reported that free chlorine residuals exceeded 0.7 parts per million leaving the pump stations.
22. Samples taken on October 22, 2005 at the sites that had previously been positive for coliform all tested negative for coliform bacteria.
23. Wayland had an MCL violation for total coliform August 2004, September 2004, June 2005, September 2005, and an acute violation and MCL violation October 2005. Wayland received a Notice of Non-compliance on September 17, 2004 for the August 2004 MCL Violation; Wayland received a Notice of Non-compliance on October 25, 2004 for the September 2004 MCL Violation; and, Wayland received a Notice of Non-compliance on July 26, 2005 for the June 2005 MCL Violation.

### III. Disposition and Order

24. Based upon the foregoing Statement of Facts and Law and pursuant to its authority under G.L.c. 21A, sec. 2(28) and G.L.c. 111, sec. 5G and 159 et seq, the Drinking Water Regulations, 310 CMR 22.00, G.L.c. 21A, sec. 16, and 310 CMR 5.00, the Department hereby orders and Wayland hereby consents to the entry of this order.
25. The parties have agreed to enter into this Consent Order because they agree that it is in their own interests, and in the public interest, to proceed promptly with the actions called for herein rather than to expend additional time and resources litigating the matters set forth above. Respondent enters into this Consent Order without admitting or denying the facts or allegations set forth herein. However, Respondent agrees not to contest such facts and allegations for purposes of the issuance or enforcement of this Consent Order.
26. By **December 1, 2005**, Wayland shall implement recommendation #4 as outlined in the Notice of Noncompliance response from Tata & Howard dated September 30, 2005 to speciate all positive total coliform distribution samples to determine if typical biofilm organisms are the cause of the positive results. In addition to speciation, heterotrophic plate counts (HPC) shall be collected on a monthly basis at the time that routine distribution system bacteria samples are collected.
27. By ~~December 30, 2005~~ <sup>JAN 30</sup>, Wayland shall submit to the Department, for review and approval, a detailed plan for increasing and maintaining free chlorine residuals at all pump stations and throughout the entire distribution system. The plan shall incorporate recommendations from the hydraulic modeling performed by Tata & Howard, as outlined in the Notice of Noncompliance response from Tata & Howard dated September 30, 2005. At a minimum, the plan shall include a schedule by which Wayland will implement the recommendations from the hydraulic modeling. If the plan includes recommendations for adding additional chlorine injection points, a plan and schedule for the installation of these points shall be included. Thereafter, Wayland shall implement the plan and schedule as approved by the Department.
28. By ~~February 28, 2005~~ <sup>JAN 30</sup>, Wayland shall submit to the Department for its review and approval a plan that details interim measures Wayland will take to meet water supply demands during the design and construction of the Baldwin Pond treatment facility. The study shall include the existing limitations and actions necessary to eliminate the restrictions in using the Campbell Well. Thereafter, Wayland shall implement the plan and schedule as approved by the Department.

NO AT CAMPBELL WELL TO BE USED  
SUBMIT REPORT THRU

City/Town: Wayland  
PWS: Wayland Water Department  
PWS ID: 3315000

29. <sup>2006</sup> Between April 1 and May 30, ~~2005~~ (the spring sample) Wayland shall perform Microscopic Particle Analysis (MPA) sampling for Campbell Road Well #1 (02G), Happy Hollow Well #1 (03G), and Happy Hollow Well #2 (04G) to evaluate these groundwater sources to determine if those sources are Groundwater Under the Influence of Surface Water (GWUI) and at risk to waterborne diseases. Thereafter, Wayland shall implement the plan and schedule as approved by the Department.

30. <sup>2006</sup> Between August 15 and October 15, ~~2005~~ (the fall sample) Wayland shall perform Microscopic Particle Analysis (MPA) sampling for Campbell Road Well #1 (02G), Happy Hollow Well #1 (03G), and Happy Hollow Well #2 (04G) to evaluate these groundwater sources to determine if those sources are Groundwater Under the Influence of Surface Water (GWUI) and at risk to waterborne diseases.

If the results of these tests show High or Moderate Risk results for two consecutive seasons, Spring (April 1 - May 30) and Fall (August 15 - October 15), then the source(s) is determined to be Groundwater Under the Influence of Surface Water (GWUI). If any of these sources are determined to be GWUI, this Administrative Consent Order will be modified to include an enforceable schedule with stipulated penalties to either replace/modify the source or to meet the requirements of the Surface Water Treatment Rule.

31. By <sup>DECEMBER 30 2006</sup> ~~May 31, 2006~~ Wayland shall submit a plan for the <sup>FINAL DESIGN PLANS AND SCHEDULE FOR CONSTRUCTION</sup> ~~design~~ and construction of the Baldwin Pond treatment facility. <sup>WAYLAND SHALL COMPLETE COST. IN ACCORDANCE W/ APPROVED</sup>

32. The Department hereby determines and Wayland hereby agrees that the deadlines set forth herein constitute reasonable time for performing the activities described above and for coming in to compliance with the requirements of 310 CMR 22.06B.

33. For the violations of 310 CMR 22.00 cited in this Consent Order, Wayland shall pay to the Commonwealth a Civil Administrative Penalty in the amount of PENALTY HELD

34. Submittals required by this Consent Order shall be considered delivered upon receipt by the Department. All submissions required by this Consent Order shall be submitted to: Anita Wolovick, Drinking Water Program, Department of Environmental Protection, Northeast Regional Office, 205B Lowell Street, Wilmington, MA 01887.

35. Wayland admits to the jurisdiction and authority of the Department to issue this Consent Order. Wayland understands and hereby waives its right to an adjudicatory hearing before the Department on and judicial review of the issuance and/or terms of this Consent Order and to notice of any such rights of review.

36. Nothing in this Consent Order shall be construed or operate as barring, diminishing, adjudicating or in any way affecting: (1) any legal or equitable right of the Department to issue any future order with respect to the subject matter covered by this Consent Order or (2) any legal or equitable right of the Department to pursue any claim, action, suit, cause of action, demand, or right to relief that the Department may have with respect to the subject matter covered by this Consent Order. This Consent Order shall not be construed or operate as barring, diminishing, adjudicating or in any way affecting any legal or equitable right of the Department with respect to any subject matter not covered by this Consent Order.

37. This Consent Order shall apply to and be binding upon Wayland, its boards, officers, employees, agents, consultants, contractors, successors, and assigns. Wayland shall not violate this Consent Order and shall not allow or suffer its boards, officers, employees, agents, consultants, contractors,



successors, or assigns to violate this Consent Order. A violation of this Consent Order by any of the foregoing shall constitute a violation of this Consent Order by the Wayland.

38. Except as provided herein, this Consent Order does not relieve the town or any other person of the necessity of complying with all applicable federal, state, and local statutes, regulations, and approvals while performing activities pursuant to this Consent Order. Except as provided herein, any noncompliance with the foregoing shall be a violation of this Consent Order.
39. Failure on the part of the Department to complain of action or inaction on the part of Wayland shall not constitute a waiver by the Department of any rights under this Consent Order, nor shall a waiver by the Department of any provision of this Consent Order be construed as a waiver of any other provision of this Consent Order.
40. This Consent Order may be modified only by the written agreement of the parties. This Consent Order and the obligations hereunder may not be assigned by Wayland.
41. In addition to the penalty set forth in paragraph 31, Wayland shall pay to the Commonwealth stipulated penalties for each day of each violation of this Consent Order as follows:

Days of Violation	Penalties Per Day
1 thru 30	\$250
31 thru 60	\$500
61st day and thereafter	\$1000

42. All stipulated penalties accruing under this Consent Order shall be paid within ten days of the date that the Department sends a written demand therefore. Stipulated penalties shall begin to accrue on the day a violation occurs and shall continue to accrue until the day that Wayland corrects the violation or completes performance, whichever is applicable. Even if violations are simultaneous, separate penalties shall accrue for separate violations of this Consent Order. Stipulated penalties shall accrue regardless of whether the Department has notified Wayland of a violation. The payment of stipulated penalties shall not alter in any way Wayland's obligation to complete performance as required by this Consent Order. The stipulated penalties set forth herein shall not preclude the Department from electing to pursue alternative remedies or alternative civil or criminal penalties which may be available by reason of Wayland's failure to comply with the requirements of this Consent Order. In the event that the Department collects alternative civil administrative penalties, Wayland shall not be required to pay stipulated penalties pursuant to this Consent Order.
43. Payment of all penalties due under this Consent Order is necessary for the Wayland to be deemed in compliance. In the event that Wayland fails to pay in full any penalty on or before the date due under this Consent Order, Wayland shall pay to the Commonwealth the full amount of the penalty together with costs plus interest on the balance due from the date the penalty became due. The rate of interest shall be the rate set forth in G.L.c. 231, sec. 6C. If a court judgment is necessary to execute a claim for any penalty due under this Consent Order, the Town agrees to assent to the entry of such judgment.
44. Wayland shall pay all penalties due under this Consent Order by certified check, cashier's check or money order payable to the Commonwealth of Massachusetts. Wayland shall clearly print the name Town of Wayland and File No. ACOP-NE-05-5D011 on the face of the payment and mail it to: Commonwealth of Massachusetts, Department of Environmental Protection, Commonwealth Master Lockbox, P.O. Box 3584, Boston, MA 02241-3584. Wayland shall deliver a copy of the payment to:

City/Town: Wayland  
PWS: Wayland Water Department  
PWS ID: 3315000

Eric Worrail Deputy Regional Director, Bureau of Resource Protection, Department of Environmental Protection, 205B Lowell St., Wilmington, MA 01887.

- 45. If any event occurs which causes or contributes or has the potential to cause or contribute to a delay in achieving compliance with a requirement of this Consent Order, Wayland shall notify the Department in writing not later than seven days of learning of such event. Notice of such an event shall include the anticipated length and cause of the delay, the measures taken or to be taken to minimize the delay, and a timetable for implementing the required measures. Wayland shall adopt all reasonable measures to avoid and minimize any noncompliance.
- 46. Wayland shall allow Department personnel to enter and inspect the area where Wayland is performing work under this consent Order at reasonable times without notice for the purpose of assessing compliance with this Consent Order and the Drinking Water Regulations.
- 47. The provisions of this Consent Order are severable, and if any provision of this Consent Order or the application thereof is held invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of any other provision of this Consent Order which shall be given full effect without the invalid or unenforceable provision, provided, however, that the Department may in its sole discretion elect to void the entire Consent Order in the event of such invalidity or unenforceability.
- 48. This Consent Order constitutes the entire understanding and agreement between the Department and Wayland with regard to the Wayland's obligations arising out of the subject matter of this Consent Order.
- 49. The undersigned represent that he/she has the authority to sign this Consent Order and to legally bind the party on whose behalf such representative is signing. This Consent Order shall take effect on the date that it is signed by the Department.

Consented on behalf of the Town of Wayland by:

Name	Title	Date
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Issued on behalf of the Department of Environmental Protection:

Name	Title	Date
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