



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Metropolitan Boston – Northeast Regional Office

JANE M. SWIFT  
Governor

BOB DURAND  
Secretary

LAUREN A. LISS  
Commissioner

August 6, 2002

Donald W. Hollander  
Superintendent  
Wayland Water Department  
41 Cochituate Road  
Wayland, MA 01778

RECEIVED  
WAYLAND WATER DEPT.

AUG 9 2002

41 COCHITUATE ROAD  
WAYLAND, MA 01778

Re:Administrative Consent Order ACO-NE-02-F001

Dear Mr. Hollander:

On August 1, 2002, representatives of the Town of Wayland (the "Town" or "Wayland") and the Department of Environmental Protection (the "Department" or "DEP") met to discuss Wayland's exceedance of its authorized volume under the Water Management Act. As a follow up to that meeting, I have revised the Draft Water Management Act Permit and the Administrative Consent Order. The Draft Water Management Act Permit and two originals of the Administrative Consent Order are enclosed with this letter.

On behalf of the Department, I request that the Town review the enclosed documents. If they are acceptable, the Department requests that the Town sign both originals of the Administrative Consent Order and return them to DEP within fourteen days of receipt of this letter. The Department will then sign both originals and return one original to the Town. The Department will also issue a final Water Management Act Permit.

If you have any questions or comments with regard to the Administrative Consent Order or the Draft Water Management Act Permit, I ask that you contact me immediately so that the Town can sign the Administrative Consent Order within the same fourteen day period. I can be reached at 978-661-7759.

In closing, the Department wishes to restate its commitment to assisting the Town in its effort to come into compliance with the Water Management Act. By implementing the water conservation measures we discussed at our meeting, the Town can make substantial progress in reducing its per capita water use and seasonal use.

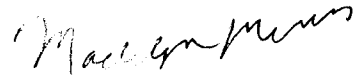
This information is available in alternate format. Call April McCabe, ADA Coordinator at 1-617-556-1171.

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DEP on the World Wide Web: <http://www.mass.gov/dep>

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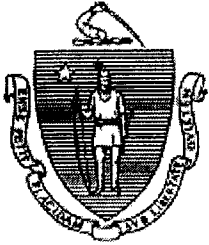
Very truly yours,



Madelyn Morris  
Deputy Regional Director  
Bureau of Resource Protection

Certified mail/return receipt requested

CC: Duane Levangie Water Management, 6<sup>th</sup> Floor, DEP, Boston  
Michele Drury DEM-Office of Water Resources, 251 Causeway Street, Boston, MA  
02114  
Donald Tata, Tata & Howard, 125 Turnpike Road, Westborough, MA 01581



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**Draft**

**WATER WITHDRAWAL PERMIT  
MGL c 21G**

This permit is issued pursuant to the Massachusetts Water Management Act for the sole purpose of authorizing the withdrawal of a volume of water as stated below and subject to the following special and general conditions. This permit conveys no right in or to any property beyond the right to withdraw the volume of water for which it is issued.

**PERMIT NUMBER:** 9P4-3-14-315.01

**RIVER BASIN:** Concord

**PERMITTEE:** Town of Wayland  
Wayland Water Department  
41 Cochituate Road  
Wayland, Massachusetts 01778

**EFFECTIVE DATE:** X/X/2002

**EXPIRATION DATE:** 8/31/2011

**NUMBER OF WITHDRAWAL POINTS:**

Groundwater: 1  
Surface Water: 0

**USE:** Public Water Supply

**DAYS OF OPERATION:** 365

This information is available in alternate format by calling our ADA Coordinator at (617) 574-6872.

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**LOCATION(S) :**

<u>Source</u>	<u>Source Code</u>	<u>Latitude</u>	<u>Longitude</u>	<u>Location</u>
Chamberlain Rd. Well	331-5000-07G	42-23-28	71-21-46	off Moore

**SPECIAL CONDITIONS**

**1. Maximum Authorized Annual Average Withdrawal Volume**

This permit authorizes an increase in water withdrawal volumes. In addition to the 1.66 million gallons per day (mgd) previously registered to the permittee in the Concord River Basin, the Town is authorized to withdraw an additional .11 mgd. This permitted volume is expressed in millions of gallons as an average daily withdrawal rate. This volume is an interim allocation subject to revision by the Department. This volume is based on water usage reported by the Town for the past five years and is not supported by a water needs forecast from the Department of Environmental Management

On or before January 30, 2005, the Town shall submit to the Department of Environmental Management Office of Water Resources a request for a water needs forecast. The request shall include the following information for the years 2002, 2003, 2004: (a) water use information based on actual metering; a break down of water use into residential, non-residential and unaccounted for categories and an estimate of the service population. A copy of this request shall be submitted to the Department of Environmental Protection at the same time.

**2. Maximum Authorized Daily Withdrawal Volume**

Withdrawals from individual withdrawal points are not to exceed the approved daily volume listed below without specific advance written approval from the Department.

<u>Source</u>	<u>Source Code</u>	<u>Daily Rate</u> <u>(mgd)</u>
Chamberlain Well	331-50000-07G	0.828

3. Zone of Contribution (Zone II or Zone III) Delineations

Department records show that the Chamberlain Well off Moore Road has a DEP approved Zone II delineation. Therefore, no further Zone II work is required as a condition of this permit.

4. Wellhead Protection

Submit a copy of any existing land use controls and water supply protection measures in the communities encompassed by the Zones of Contribution of the wells included in this permit and the draft proposed changes needed to meet the requirements of 310 CMR 22.21(2) by August 31, 2002. Land use controls meeting the requirements of 310 CMR 22.21(2) shall be in place in the Zones of Contribution covered by this permit by **September 30, 2003**. The final text of the control measures must be submitted to Water Management Program within thirty days after adoption.

5. Water Conservation Requirements

Metering

- 100 percent metering with all meters of proper size and accuracy to measure water flow to within 5 percent, including public buildings and facilities.
- Town of Wayland, Water Department, replaced all meters in 1997. Continue your ongoing program to inspect individual service meters. Such program shall include placing sufficient funds in the annual water department budget to recalibrate, repair or replace meters as needed.
- Master meters must be calibrated annually.

Leak Detection

- By **August 31, 2002**, submit to DEP a plan with a schedule for the institution of a program to survey the entire system for leaks by **December 31, 2002**. The plan should identify who will be conducting the survey, designate

the areas to be surveyed, and specify the timeframes for surveying each area of the system.

- o By **December 31, 2002** submit a report of all leaks reported or found during the survey, the date which each leak was reported or found, the date on which each leak was repaired, and the estimated savings of each repair.
  
- o Thereafter, the Town shall conduct a full leak detection survey biennially (every two years). In addition, the Town shall perform a leak detection survey of its entire distribution system whenever the volume of unaccounted for water is greater than 10% or whenever the volume of unaccounted for water increases by 5% as reported in the annual statistics for the prior calendar year. Beginning with calendar year 2003, the Town shall measure or accurately estimate water used for bleeders on the distribution system, flushing and/or meter calibration and report those volumes along with its annual statistics. For the purpose of conducting a leak detection survey as required herein, the volume of unaccounted water used to trigger a leak detection survey shall not include water used for bleeders, flushing and/or meter calibration. The volume of unaccounted for water and the volume used for bleeders, flushing and/or meter calibration and the method of measurement or estimation shall be reported to the Department along with the annual statistical report. On or before December 31 of any calendar year in which a leak detection survey takes place, the Town shall submit to the Department for its review a report detailing the leak detection survey, any leaks uncovered as a result of that survey or otherwise and any leaks fixed as a result of the survey or otherwise and the estimated water savings expected as a result of the repairs.

#### Leak Repair

- o Suppliers must have repair reports available for inspection by the Department.
  
- o Leaks are to be fixed as soon as possible but in no event shall any leak remain unrepaired more than seven (7) days after detection;

### Pricing

- o The rate structure should not be a decreasing block rate structure.
- o Suppliers shall take steps to ensure that water supply system operations are fully funded by water supply system revenues. The pricing system should reflect the full cost of supplying water, including but not limited to:
  - administrative costs
  - staff salaries, benefits, insurance and pension costs
  - distribution system operation, maintenance and repair, including leak detection and repair costs and metering costs
  - pumping costs and utilities
  - treatment costs
  - capital replacement costs, capital depreciation and debt service
  - any costs associated with water conservation programs and public education programs
  - watershed or wellhead purchase and/or protection costs and land acquisition
  - emergency planning
  - enforcement of the building code and/or local regulations

### Plumbing

- o Public water suppliers must ensure enforcement of the March 1, 1989 plumbing code for new construction and building rehabilitation where installation of water saving devices and low flow toilets is required.
- o Public buildings must be retrofitted with water saving devices (faucet aerators, low flow shower heads and toilet displacement bottles/dams).
- o Implement a program to make retrofit devices (faucet aerators, low flow shower heads and toilet displacement bottles/dams) available to customers at cost.

### Education

- By August **31, 2002**, develop and implement a public education program, including outreach to schools, which emphasizes:
  - all the costs of providing water
  - that investments in efficiency and conservation **will provide consumers with long-term savings**
  - the environmental benefits of reducing water demand
- Bill stuffers with water conservation tips or water saving messages should be included at least annually with customer's water bills, or as a separate mailing.

### Outdoor Water Use

- The Department encourages the adoption of a Water Use Restriction Bylaw. In 1998, the Town of Wayland adopted a bylaw restricting the use of water and in 1999 amended the bylaw to increase the financial penalties imposed on those persons violating the bylaw. These restrictions shall be coupled with an aggressive local education program to make consumers A) aware of the water use restrictions and penalties for violation, and B) knowledgeable about the short-fall in the water supply system and the need for water conservation.
- On or before **December 31, 2002**, the Town shall submit to the Department for its review and approval a written proposal including a plan and schedule for reducing per capita water use and seasonal water use. At a minimum, the plan shall include the following: retrofit of all public buildings with low flow devices, the provision of low flow devices to consumers at cost, enactment, implementation and enforcement of a bylaw regulating the use of automatic sprinklers and the clearing of land for maintenance of lawns, a program to reduce the volume of water used to irrigate public land including parks and fields used for recreation, adoption of revised outdoor water use restrictions that are consistent with the work of the Drought Task Force, the Water Resources Commission and the Department of Environmental Management Office of Water Resources, implementation of the revised outdoor water use restrictions, public education and evaluation



of further changes in the rate structure. In preparing the plan, the Town shall evaluate measures taken by other communities to reduce per capita and seasonal water use. Thereafter, the Town shall implement the plan as approved by the Department in accordance with the schedule approved by the Town.

- On or before **June 30** and **December 31** of each year beginning **June 30, 2003**, the Town shall submit a written report to the Department detailing all actions it took over the past six months to reduce per capita water use and seasonal use including without limitations all actions to enforce outdoor water restrictions and all actions it plans to take during the six months. If the Town's unaccounted for water exceeds 15% or per capita water use exceeds 80 gallons per day, the December 31<sup>st</sup> report shall explain the reasons for the exceedance and include a proposed plan and schedule for further reducing per capita water use and unaccounted for water through the use of additional water conservation measures. Possible additional measures include without limitation the use of cisterns for outdoor watering in lieu of treated drinking water and the establishment of a water bank. Thereafter, the Town shall implement the plan as approved by the Department in accordance with the schedule approved by the Department.

#### Water Main Flushing

- 0 Water needed for main flushing and the use of water in construction shall be metered or estimated as appropriate to assist in determining actual demand. Volumes flushed to waste shall be reported annually in section C.G. "Other" on your Water Supply Annual Statistical Report.

General Conditions

1. **Duty to Comply** The permittee shall comply at all times with the terms and conditions of this permit, the Act and all applicable State and Federal statutes and regulations.
2. **Operation and Maintenance** The permittee shall at all times properly operate and maintain all facilities and equipment installed or used to withdraw up to the authorized volume so as not to impair the purposes and interests of the Act.
3. **Entry and Inspections** The permittee or the permittee's agent shall allow personnel or authorized agents or employees of the Department to enter and examine any property for the purpose of determining compliance with this permit, the Act or the regulations published pursuant thereto, upon presentation of proper identification and an oral statement of purpose.
4. **Water Emergency** Withdrawal volumes authorized by this permit are subject to restriction in any water emergency declared by the Department pursuant to MGL c 21G ss 15-17, MGL c 150 ss 111, or any other enabling authority.
5. **Transfer of Permits** This permit shall not be transferred in whole or in part unless and until the Department approves such transfer in writing, pursuant to a transfer application on forms provided by the Department requesting such approval and received by the Department at least thirty (30) days before the effective date of the proposed transfer. No transfer application shall be deemed filed unless it is accompanied by the applicable transfer fee established by 310 CMR 36.37.
6. **Duty to Report** The permittee shall submit annually, on a form provided by the Department, a certified statement of the withdrawal, such report to be received by the Department by January 31st of each year. Such report must be mailed or hand delivered to:  

Department of Environmental Protection  
Division of Watershed Management  
Water Management Program  
One Winter Street  
Boston, MA 02108
7. **Duty to Maintain Records** The permittee shall be responsible for maintaining monthly withdrawal records.
8. **Metering** All withdrawal points included within the permit shall be metered within one year of the date of issuance of the permit. Meters shall be calibrated annually.

APPEAL RIGHTS AND TIME LIMITS

This permit is a decision of the Department. Any person aggrieved by this decision may request an adjudicatory hearing. Any such request must be made in writing, by certified mail and received by the Department within twenty-one (21) days of the date of receipt of this permit. No request for an appeal of this permit shall be validly filed unless a copy of the request is sent by certified mail, or delivered by hand to the local water resources management official in the city or town in which the withdrawal point is located; and for any person appealing this decision, who is not the applicant, unless such person notifies the permit applicant of the appeal in writing by certified mail or by hand within five (5) days of mailing the appeal to the Department.

CONTENTS OF HEARING REQUEST

310 CMR 1.01(6)(b) requires the request to include a clear and concise statement of the facts which are the grounds for the request and the relief sought. In addition, the request must include a statement of the reasons why the decision of the Department is not consistent with applicable rules and regulations, and for any person appealing this decision who is not the applicant, a clear and concise statement of how that person is aggrieved by the issuance of this permit.

FILING FEE AND ADDRESS

The hearing request, together with a valid check, payable to the Commonwealth of Massachusetts in the amount of \$100 must be mailed to:

Commonwealth of Massachusetts  
Department of Environmental Protection  
P.O. Box 4062  
Boston, Ma. 02211

The request shall be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below.

EXEMPTIONS

The filing fee is not required if the appellant is a city or town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority.

WAIVER

The Department may waive the adjudicatory hearing filing fee for any person who demonstrates to the satisfaction of the Department that the fee will create an undue financial hardship. A person, seeking a waiver must file, together with the hearing request, an affidavit setting forth the facts which support the claim of undue hardship.

NO WITHDRAWAL AUTHORIZED HEREIN SHALL EXCEED THE SAFE YIELD OF THE BASIN AS DETERMINED BY THE DEPARTMENT.

NO WITHDRAWAL IN EXCESS OF 100,000 GALLONS PER DAY OVER THE REGISTERED VOLUME (if any) SHALL BE MADE FOLLOWING THE EXPIRATION OF THIS PERMIT, UNLESS BEFORE THAT DATE THE DEPARTMENT HAS RECEIVED A RENEWAL PERMIT APPLICATION PURSUANT TO 310 CMR 36.00.