

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

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

January 9, 2019

Ray Purington, Town Administrator
Gill Select Board
325 Main Road
Gill, MA 01354-9758

Re: Gill - DWP
Gill Elementary School
PWS ID# 1106004
Enforcement
ENF # 00005632
Declaration of Water Emergency

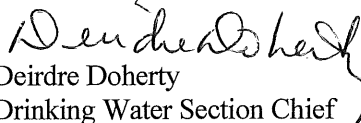
Dear Board Members:

Enclosed is a Unilateral Administrative Order that the Department of Environmental Protection ("MassDEP") is now issuing to the Town of Gill ("Gill Elementary"), due to required maintenance of the public water system at Gill Elementary School. This basis for Gill Elementary's request for a Declaration of a State of Water Emergency was outlined in the written request submitted by you on January 9, 2019.

This Order takes effect as of January 10, 2019, and will remain in effect until MassDEP removes it in writing.

Questions regarding the contents of the attached Order should be directed to Douglas Paine at (413) 755-2281 or me at (413) 755-2148.

Respectfully,


Deirdre Doherty
Drinking Water Section Chief
Bureau of Water Resources

By USPS First Class and Certified Mail 7018 0680 0000 8392 9098

cc: Board of Health
MassDEP-DWP-Boston; MassDEP-WERO Paine
Operator

Gill-Montague Regional School District
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This information is available in alternate format. Call the MassDEP Diversity Office at 617-556-1139. TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

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

)	
)	Enforcement Document Number: 00005632
In the matter of:)	Issuing Bureau: BWR
Town of Gill)	Issuing Region/Office: WERO
Gill Elementary School)	Issuing Program: DWP
)	Primary Program Cited: DWP
)	PWS ID # 1106004
)	

DECLARATION OF STATE OF WATER EMERGENCY AND ORDER

I. PARTIES:

1. The Massachusetts Department of Environmental Protection (“MassDEP” or “Department”) is a duly constituted agency of the Commonwealth of Massachusetts established pursuant to ch. 21, §7. Massachusetts has its principal office located at One Winter Street, Boston, Massachusetts 02108. The Department maintains a regional office at 436 Dwight Street, Springfield, Massachusetts 01103.
2. The Town of Gill (“PWS”) is a Supplier of Water, as defined in 310 CMR 22.02, and owns and operates Gill Elementary School, a Non-transient Non-Community Water System, which is a type of Public Water System, as defined in 310 CMR 22.02, in Gill, Massachusetts.¹ PWS’ mailing address is 325 Main Road, Gill, Massachusetts 01354-9758.

II FACTS:

1. On January 8, 2019, PWS reported that the public water system was closed while it was undergoing repairs and could not provide water through the water distribution system meeting the Massachusetts Drinking Water Regulation requirements.
2. On January 9, 2019, PWS petitioned MassDEP requesting a Declaration of Water Emergency. PWS requested use of bottled water to enable the PWS to open to the public, until repairs are completed and water quality is acceptable.

¹ A Supplier of Water is considered: (i) a Community Water System if it has 15 or more service connections used by year-round residents and/or regularly serves 25 or more year-round residents; (ii) a Non-transient Non-community water system if it has 15 or more service connections and/or regularly serves 25 or more of the same persons approximately four or more hours per day, four or more days per week, more than six months or 180 days per year; or (iii) a Transient Non-community Water System if it has 15 or more service connections and/or serves water to 25 or more different persons at least 60 days of the year.

III. LAW:

1. The Department is charged with administration and enforcement of 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”). 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”).

The Department’s authority to issue this Unilateral Administrative Order (“Order”) and to set deadlines for compliance are conferred by the foregoing and by M.G.L. c. 111, § 2C.

IV. DETERMINATION:

1. The Department has determined that an emergency condition exists within PWS’s water system as of January 10, 2019. Therefore, the Department hereby declares a Water Emergency and issues this Order, specific to PWS’s water system, pursuant to the authority stated above.
2. This Declaration is explicitly conditioned upon the provisions that are listed in the Conditions section below. This Order may be revoked, amended, or terminated by the Department at any time if the Department determines that PWS has failed to comply with such conditions or if the Department finds that the public health, safety, and welfare of the water users is no longer threatened, or if the Department finds that additional measures are necessary.
3. This Order is effective as of January 10, 2019.

V. CONDITIONS:

1. The Department orders PWS to implement its Emergency Response Plan, including those portions of the Plan related to the provision of bottled water to its customers for human consumption.
2. The Department will allow PWS to use bottled water, to meet its potable water demands.
3. PWS shall provide verbal progress reports to MassDEP on a daily basis, until MassDEP terminates this Order. Reports shall be provided by contacting Deirdre Doherty at (413) 755-2148 or by calling (413) 784-1100.
4. The Department orders PWS to complete and submit an Emergency Response Report Form within thirty (30) days of the termination of this Order.

5. This Order shall expire six months from its effective date, if not sooner revoked or terminated by the Department in writing, unless the Department determines in writing that a longer state of emergency is required to protect the public health, safety or welfare.
6. For the purposes of the Administrative Penalties Law, General Laws, Chapter 21A, Section 16, and 310 CMR 5.00, PWS is advised that General Laws, Chapter 21A, Section 16, provides for civil administrative penalties of up to \$25,000 for each day after issuance of this Order that any provision of this Order is violated.
7. Please note that this Order does not negate any past, current, or future enforcement actions by the Department, United States Environmental Protection Agency, and/or United States Justice Department against PWS, nor does it remove any requirement of the PWS to comply with all Massachusetts Drinking Water Regulations (310 CMR 22.00). The Department reserves all of its rights to exercise the full extent of its legal authority in any such enforcement actions, including, without limitation, pursuance of criminal prosecution, civil action, including court-imposed civil penalties, and/or administrative penalties assessed by the Department.

V. APPEAL RIGHTS AND TIME LIMITS:

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.

Date:

Jan. 9, 2019

So Ordered,

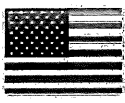


Michael J. Gorski
Regional Director
Western Region



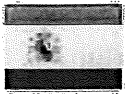
Massachusetts Department of Environmental Protection
One Winter Street, Boston MA 02108 • Phone: 617-292-5751

Communication For Non-English Speaking Parties - 310 CMR 1.03(5)(a)



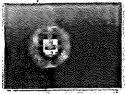
1 English:

This document is important and should be translated immediately. If you need this document translated, please contact MassDEP's Diversity Director at the telephone numbers listed below.



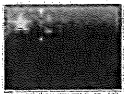
2 Español (Spanish):

Este documento es importante y debe ser traducido inmediatamente. Si necesita este documento traducido, por favor póngase en contacto con el Director de Diversidad MassDEP a los números de teléfono que aparecen más abajo.



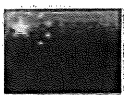
3 Português (Portuguese):

Este documento é importante e deve ser traduzida imediatamente. Se você precisa deste documento traduzido, por favor, entre em contato com Diretor de Diversidade da MassDEP para os números de telefone listados abaixo.



4(a) 中國（傳統） (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與MassDEP的多樣性總監聯繫。



4(b) 中国（简体中文） (Chinese Simplified):

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與MassDEP的多样性总监联系。



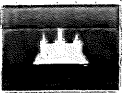
5 Ayisyen (franse kreyòl) (Haitian) (French Creole):

Dokiman sa-a se yon bagay enpòtan epi yo ta dwe tradui imedyatman. Si ou bezwen dokiman sa a tradui, tanpri kontakte Divèsite Direktè MassDEP a nan nimewo telefòn ki nan lis pi ba a.



6 Việt (Vietnamese):

Tài liệu này là rất quan trọng và cần được dịch ngay lập tức. Nếu bạn cần dịch tài liệu này, xin vui lòng liên hệ với Giám đốc MassDEP đã dạng tại các số điện thoại được liệt kê dưới đây.



7 ប្រទេសកម្ពុជា (Kmer (Cambodian):

ឯកសារនេះគឺមានសារៈសំខាន់និងគួរត្រូវបានបកប្រែភ្លាម។ ប្រសិនបើអ្នកត្រូវបានបកប្រែឯកសារនេះសូមទំនាក់ទំនងឆ្នោតជំនាញក MassDEP នៅលេខទូរស័ព្ទដែលបានរាយខាងក្រោម។



8 Kriolu Kabuverdianu (Cape Verdean):

Es documento é importante e deve ser traduzido imidiatamente. Se bo precisa des documento traduzido, por favor contacta Director de Diversidade na MassDEP's pa es numero indicode li d'boche.



9 Русский язык (Russian):

Этот документ должен быть немедленно. Если вам нужна помощь при переводе, свяжитесь пожалуйста с директором по этике и разнообразие в MassDEP по телефону указанному ниже.



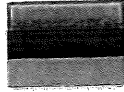
10 العربية (Arabic):

هذه الوثيقة الهامة وينبغي أن تترجم على الفور. إذا كنت بحاجة إلى هذه الوثيقة المترجمة، يرجى الاتصال مدير التنوع في MassDEP على أرقام الهواتف المدرجة أدناه.



11 한국어 (Korean):

이 문서는 중요하고 즉시 번역해야 합니다. 당신이 번역이 문서가 필요하다면 아래의 전화 번호로 MassDEP의 다양성 감독에 문의하시기 바랍니다.



12 հայերեն (Armenian):

Այս փաստաթուղթը շատ կարևոր է եւ պետք է թարգմանել անմիջապես. Եթե Ձեզ անհրաժեշտ է այս փաստաթուղթը թարգմանվել դիմել MassDEP բազմազանությունը տնօրեն է հեռախոսահամարների թվարկված են ստորեւ.



13 فارسی (Farsi [Persian]):

این سند مهم است و باید فوراً ترجمه شده است. اگر شما نیاز به این سند ترجمه شده، لطفاً با ما تماس تنوع مدیر MassDEP در شماره تلفن های ذکر شده در زیر.



14 Français (French):

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



15 Deutsch (German):

Dieses Dokument ist wichtig und sollte sofort übersetzt werden. Wenn Sie die Übersetzung von diesem Dokument benötigen, wenden Sie sich bitte bei der/dem Diversity Director MassDEP an die unten aufgeführte Telefonnummer.



16 Ελληνική (Greek):

Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως. Αν χρειάζεστε αυτό το έγγραφο μεταφράζεται, παρακαλούμε επικοινωνήστε Diversity Director MassDEP κατά τους αριθμούς τηλεφώνου που αναγράφεται πιο κάτω.



17 Italiano (Italian):

Questo documento è importante e dovrebbe essere tradotto immediatamente. Se avete bisogno di questo documento tradotto, si prega di contattare la diversità Direttore di MassDEP ai numeri di telefono elencati di seguito.



18 Język Polski (Polish):

Dokument ten jest ważny i powinien być natychmiast przetłumaczone. Jeśli potrzebujesz tego dokumentu tłumaczone, prosimy o kontakt z Dyrektorem MassDEP w różnorodności na numery telefonów wymienionych poniżej.



19 हिन्दी (Hindi):

यह दस्तावेज महत्वपूर्ण है और तुरंत अनुवाद किया जाना चाहिए. आप अनुवाद इस दस्तावेज की जरूरत है, नीचे सूचीबद्ध फोन नंबरों पर MassDEP की विविधता निदेशक से संपर्क करें.