



Water Quality Information

North Adams Water Treatment Facility
351 Pattison Road
North Adams, MA 01247

Issued June 2021

This report
contains important
information about
your drinking
water.

City of North Adams Consumer Confidence Report

Dear Customer:

Once again, we are proud to present our annual water quality report. The statistics in this report are based on testing conducted throughout 2020.

Your water system is operated by the City of North Adams. All the water facilities are owned by, and all rates are set by, the City. Day-to-day operations of the water treatment facility (WTF) are managed by the Commissioner of Public Services. The staff of the WTF work to provide you with water that meets – and often surpasses – all the health and safety standards set by the United States Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MA DEP). Water samples are tested regularly to be sure that your water meets these standards. All test results are maintained on file with the MA DEP, the agency responsible for monitoring and regulating drinking water quality in our state.

This Consumer Confidence Report (CCR) contains important information about your drinking water. Please read it carefully and feel free to call us at 413.662.3000 or 413.664.8041 should you have any questions about your water or water service. You may also call the EPA Safe Drinking Water Hotline at 800.426.4791 with water related questions. If you have specific questions about your water as it relates to your health, we suggest that you contact your health care provider.

Sincerely,
Timothy Lescarbeau, Commissioner of Public Services

ABOUT YOUR Water Supply

Water supplied to the residents of the City of North Adams is provided from both surface water and ground water sources. Surface water is sourced from the Mount Williams and Notch Reservoirs. The Notch Reservoir, on Reservoir Road, has a storage capacity of approximately 91 million gallons, a watershed of approximately 2.5 square miles and is connected to the Mount Williams Reservoir via a concrete overflow conduit. The Mount Williams Reservoir, on Pattison Road, has a storage capacity of approximately 200 million gallons and a watershed area of square 1.75 miles. The raw surface water from these sources is treated at the North Adams Water Treatment Facility (WTF).

The MA DEP source ID numbers for our facilities are: Notch Reservoir #1209000-01s and Mount Williams Reservoir #1209000-04s.

SOURCE WATER Protection

In 1996, Congress amended the Safe Drinking Water Act, creating the Source Water Assessment and Protection Program. Each state is required to identify and evaluate all sources of drinking water, assess the susceptibility of these sources to contamination and promote the protection of them.

The MA DEP has completed a Source Water Assessment and Protection (SWAP) report for the North Adams Water Department. A susceptibility ranking of “high” was assigned to the North Adams system using the information collected during the assessment by the DEP. If a system is rated highly susceptible for a contaminant category, it does not mean a customer is, or will be, consuming contaminated drinking water. The rating reflects the potential for contamination of source water, not the existence of contamination. The complete SWAP report is available from the City by contacting Timothy Lescarbeau, Commissioner of Public Services, at 413.662.3000 or from the MA DEP’s Springfield Regional Office by contacting Kim Longridge at 413.755.2215.

HEALTH Note

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons, such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/CDC guidelines on appropriate means to lessen the risk of infections by Cryptosporidium and other microbial contaminants are available from the Safe Drinking Water Hotline at 800.426.7491.

ADDITIONAL Information

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. If you would like more detailed information about your water, please contact Timothy Lescarbeau, Commissioner of Public Services, at 413.662.3000. Residents may also inquire about water system issues by attending the North Adams City Council meetings, which are held at City Hall on the second and fourth Tuesday of each month. For additional information, contact the City Clerk at 413.662.3000.

<p>Action Level (AL): The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system must follow.</p> <p>Maximum Contaminant Level (MCL): The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.</p> <p>Maximum Contaminant Level Goal (MCLG): The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.</p> <p>Minimum Reporting Limit (MRL): Highest level before reporting is required.</p>	<p>Maximum Residual Disinfectant Level (MRDL): The highest level of disinfectant allowed in drinking water. There is convincing evidence that the addition of a disinfectant is necessary for control of microbial contaminants.</p> <p>Maximum Residual Disinfectant Level Goal (MRDLG): The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contamination.</p> <p>NA: Not applicable.</p> <p>NTU: Nephelometric Turbidity Unit.</p> <p>Picocuries per liter (pCi/L): Measure of radioactivity.</p>	<p>ppb: One-part substance per billion parts water or micrograms per liter.</p> <p>ppm: One-part substance per million parts water or milligrams per liter.</p> <p>Treatment Technique (TT): A required process intended to reduce the level of a contaminant in the water.</p> <p>Turbidity: A measure of the cloudiness of water. Turbidity is monitored because it is a good indicator of the effectiveness of the filtration system.</p> <p>>: This means “greater than.”</p> <p><: This means “less than.”</p> <p>90th Percentile: Nine out of every ten homes sampled were below this level.</p>
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CROSS Connection Inspection and Backflow Prevention Program

Cross connections are potentially hazardous situations for a public or private potable water supply and a source of potable water contamination. A cross connection is any potential or actual physical connection between a potable water supply and any source through which it is possible to introduce any substance (such as gasoline, soap, gray water, or an industrial chemical) other than potable water to the water supply. Common cross connection scenarios are a garden hose whose spout is submerged in a bucket of soapy water or connected to a spray bottle of weed killer.

The City of North Adams is not currently required to survey residential properties for cross connections. However, residential properties still may have potential or actual cross connections, most commonly involving outdoor faucets, hot tubs and swimming pools. All faucets to which hoses attach must have a hose bib vacuum breaker to prevent back siphonage. To obtain a copy of the Massachusetts regulations regarding cross connections (310 CMR 22.22), or for any further information regarding cross connections, please contact the MA DEP Western Regional Office at 413.784.1100.

BOTTLED WATER or Tap Water? (Potential Sources of Contamination)

Sources of drinking water, both tap and bottled water, include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over land or underground, it dissolves naturally occurring minerals, and in some cases, radioactive materials, and can pick up substances resulting from the presence of animals or from human activity. Contaminants that may be present in source water include:

- **Microbial contaminants** such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.
- **Inorganic contaminants** such as salts and metals, which can be naturally occurring or result from urban stormwater runoff, wastewater discharges, and farming.
- **Pesticides and herbicides** which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses.
- **Organic chemical contaminants** including synthetic and volatile organic chemicals, which are by-products of industrial processes, gas stations, urban stormwater runoff, and septic systems.
- **Radioactive contaminants** which can be naturally occurring or be the result of oil and gas production from mining activities.

In order to ensure that tap water is safe to drink, the Department of Environmental Protection (MA DEP) and U. S. Environmental Protection Agency (EPA) prescribe regulations that limit the amount of certain contaminants in water provided by public water systems. The Food and Drug Administration (FDA) and Massachusetts Department of Public Health (DPH) regulations establish limits for contaminants in bottled water that must provide the same protection for public health. All drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the EPA's Safe Drinking Water Hotline at 800.426.4791.

Drinking Water Quality Table

This drinking water quality table shows how the drinking water provided to you in 2020 compared to the standards set by the US EPA and the MA DEP. Please note that yearly testing on all substances is not required. Therefore, for such substances, we have indicated the most recent year of required testing.

Primary Standards (Directly related to the safety of drinking water)

We tested for many substances in the water and detected only those indicated in the drinking water quality table. Some of the information is technical in nature so we have provided you with definitions to help you better understand the information contained in this report.

Inorganic Chemicals	MCLG	MCL	Highest Result**	Range of Results	Violation	Likely Source
Barium ppm		2	0.0061	ND - 0.0061	No	Erosion of natural deposits
Sodium ppm		20	4.64	ND – 4.64	No	Erosion of natural deposits
Secondary Contaminants						
Manganese ppm		0.030	0.0047		No	Erosion of natural deposits
Iron ppm		0.300	<0.050		NO	Erosion of natural deposits

Lead and Copper results	MCLG	AL	90 th Percentile	Samples >AL	Violation	Likely Source
Lead ppb	0	15	1.6	0	No	Corrosion of household plumbing
Copper ppm	1.3	1.3	0.128	0	No	Corrosion of household plumbing

Additional information about lead in drinking water: If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. The City is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at <http://www.epa.gov/safewater/lead>. Lead and Copper will be tested again in 2020.

Disinfectant Residual	MCLG	MCL	Highest Result** RAA	Range of Results	Violation	Likely Source
Distribution Disinfectant Residual ppm	NA	4	0.22	0.03-2.01	No	Treatment process

Volatile Organic Contaminants (VOCs)		MCL	Level Found	Range of Results	Violation	Likely Source
Bromodichloromethane ppb			0.90		No	Soil runoff
Chloroform ppb			4.21		No	Soil runoff
TT = 95% <0.3 NTU	NA	TT = 1 NTU	0.29	0.05 - 0.29	No	Soil runoff

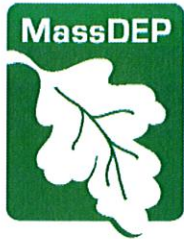
Disinfection By-products***	MCLG	MCL	Level Found	Range of Results	Violation	Likely Source
THMs ppb running annual average	NA	80	41.4	9 - 57	No	Disinfection by-product

(THMs: bromoform, bromodichloromethane, chlorodibromomethane, chloroform)

HAA ₅ , ppb running annual average	NA	60	20.9	1 - 29	No	Disinfection by-product
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	MCL	Level Found	Range of Results	Violation	Likely Source
Nitrate ppm	10	<0.050		No	Erosion of natural deposits
Nitrite ppm	1	<0.010		No	Erosion of natural deposits

On September 25, 2020 MA DEP issued a “Boil Water Order” see attached order.



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

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

Sent via electronic mail
mayorbernard@northadams-ma.gov
Sent via USPS First Class and
Certified Mail # 7018 2290 0002 1507 4264

September 25, 2020

Mayor Thomas Bernard
City of North Adams
10 Main Street
North Adams, MA 01247

Re: North Adams

PWS: North Adams Water Department
PWS ID # 1209000
ENF # 00010112
Issuing Bureau: BWR
Issuing Region/Office: Western
Issuing Program: DWP

BOIL WATER ORDER

Dear Mayor Bernard:

The Massachusetts Department of Environmental Protection ("MassDEP") has determined that the water from the City of North Adams water system could pose an unacceptable risk to public health unless immediate action is taken. MassDEP, therefore, is issuing the enclosed Boil Water Order to you to address this public health risk.

Each requirement contained in this Order will remain in effect until terminated by MassDEP in writing. MassDEP will terminate one or more such requirements after you demonstrate that the principal incident or reason for issuance of this Order has been corrected and that such action is no longer necessary.

If you fail to take any action set forth in this Order by the prescribed deadline, or if you otherwise fail to comply with the requirements of this Order, you could be subject to legal action, as described in this Order.

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This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

Re: City of North Adams
Boil Water Order # 00010112
Page 2 of 2

Pursuant to M.G.L. c. 111, §160, MassDEP may issue such orders as it deems necessary to ensure the delivery of fit and pure drinking water to all consumers. MassDEP reserves its right to exercise this authority, if it determines that additional actions not required by this Order are necessary to ensure that the water provided to consumers is fit for human consumption.

If you have any questions about the contents of this Order, please contact Deirdre Doherty at (413) 755-2148.

Respectfully,

15/ Deirdre Doherty
by Kellee Nemec

Deirdre Doherty
Drinking Water section Chief
Bureau of Water Resources

Attachments: Boil Water Order

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Ecc: Board of Health: health@northadams-ma.gov
Certified Operator tim_lescarbeau@northadams-ma.gov
MassDEP/DWP Boston

CC: MassDPH, Community Health, 250 Washington Street, Boston, MA 02108
Attn: Stephen Hughes
MassDPH, Bureau of Environmental Health Assessment, 250 Washington Street, Boston, MA 02108 Attn: Jan Sullivan
DPH, Division of Epidemiology, Immunization and Communicable Diseases, 305 South Street, Jamaica Plain, MA 02130, Attn: Patricia Kludt

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

In the matter of:)

City of North Adams)
_____)

BOIL WATER ORDER

ENF # 00010112

PWS ID # 1209000

I. THE PARTIES

1. The Massachusetts Department of Environmental Protection (“MassDEP” or the “Department”) is a duly constituted agency of the Commonwealth of Massachusetts established pursuant to M.G.L. c. 21, § 7. MassDEP has its principal office located at One Winter Street, Boston, Massachusetts 02108, and a regional office located at 436 Dwight Street, Springfield, Massachusetts, 01103.
2. City of North Adams (the “PWS”) is a Supplier of Water, as defined in 310 CMR 22.02, and owns and operates a Community Water System, which is a type of Public Water System, as defined in 310 CMR 22.02, in North Adams, Massachusetts. The PWS’ business address is 59 Hodges Cross Road, North Adams, Massachusetts 01247. The PWS’ mailing address for purposes of this Boil Water Order is 10 Main Street, North Adams, MA 01247.

II. STATEMENT OF FACTS AND LAW

3. MassDEP has primary enforcement responsibility for 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”), 40 CFR Part 141. 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”). Pursuant to M.G.L. c. 111, §160, MassDEP may issue such orders as it deems necessary to ensure the delivery of fit and pure drinking water by public water systems to all consumers. Pursuant to M.G.L. c. 111, §5G, MassDEP may require the provision and operation of such treatment facilities as it deems necessary to ensure the delivery of a safe water supply to all consumers. Pursuant to M.G.L. c. 111, §2C, MassDEP may issue such orders to any person in violation of any law or regulation MassDEP is authorized to enforce.
4. The Massachusetts Drinking Water Regulations apply to all Public Water Systems in the Commonwealth. The regulations define a “Public Water System” as a system for the provision to the public of water for human consumption, through pipes or other constructed conveyances, 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. Public Water Systems

include: (1) any collection, treatment, storage, and distribution facilities under control of the operator of such systems and used primarily in connection with such systems; and (2) any collection or pretreatment storage facilities not under such control that are used primarily in connection with such systems. *See* 310 CMR 22.02.

5. The following facts have led MassDEP to issue this Order:

- A. The Massachusetts Drinking Water Regulations at 310 CMR 22.19 establishes a minimum distribution system requirement for Public Water Systems, as follows:

In order to protect the distribution system of a public water system from contamination the following requirements shall be applied:

(1) All service connections shall have a minimum residual water pressure at street level of at least 20 pounds per square inch (psi) under all design conditions of flow . . .

- B. On September 23, 2020, in the course of a Sanitary Survey at the PWS, MassDEP personnel learned from PWS staff that the PWS has a small water main break or leak in PWS' River Road area.
- C. Subsequently, on September 25, 2020, MassDEP personnel learned from news media that the water main break or leak in PWS' River Road area resulted in service connection impacts. Service connections lost water service or experienced discolored water and higher elevations nearby did not have a minimum residual water pressure at street level of at least 20 pounds per square inch (psi), in noncompliance with 310 CMR 22.19(1). PWS subsequently provided MassDEP with requested information describing the incident, including discolored water, water loss and water pressure loss to over 400 connections. PWS advised affected residents to boil water for the twelve hours following the resumption of water service.
- D. On September 25, 2020, in response to MassDEP's request for additional information, the PWS notified MassDEP that the small break/leak in the water main had increased substantially early in the morning of September 24, 2020, resulting in the loss of pressures in the system and loss of service to some connections.
- E. On September 25, 2020, MassDEP confirmed that PWS had advised residents affected by the break to boil their water for a period of 12 hours after the return of service.
- F. The issuance by the local authority of a Boil Water Advisory results in a requirement that MassDEP issue a Boil Water Order if it concurs with the local authority's issuance of a Boil Water advisory.
- G. On September 25, 2020 at 12:00 PM, MassDEP verbally and through electronic mail informed the PWS of the violation and directed it to evaluate the cause of the low

pressure, take corrective action, and notify its consumers to either boil their tap water for at least one minute before consuming or consume water from an alternative source approved by MassDEP until further notice. In addition, MassDEP informed the PWS that this Order would be forthcoming.

III. DISPOSITION AND ORDER

For the reasons stated above, MassDEP hereby Orders the PWS to take the following actions pursuant to M.G.L. c. 111, §§5G and 160. This Order shall be binding on the PWS and on its successors, heirs, and assigns. The PWS shall not violate this Order, and shall not allow or suffer its employees, agents, or contractors to violate this Order. Pursuant to M.G.L. c. 21A, § 16 and 310 CMR 5.00, MassDEP hereby determines that the deadlines set forth below constitute reasonable time for coming into compliance with the provisions cited above.

6. The PWS is hereby ORDERED to take the following actions:

- A. **PROVIDE NOTIFICATION AND INFORMATION TO THE PUBLIC.** As soon as practical but no later than twenty-four (24) hours after MassDEP verbally notified the PWS of the terms of this Order which occurred on September 25, 2020 at 12:00PM, the PWS shall notify all consumers in the River Road area with discolored water, loss of water service or water pressure below 35 psi at the water main on or after Wednesday September 23, 2020, to boil their tap water for at least one minute before drinking or using for purposes of human consumption, such as cooking, ice-making, dishwashing, and maintaining oral hygiene (e.g., teeth brushing), until further notice. In addition, the PWS' notice shall instruct consumers to discard any ice, juice, formula, and uncooked foods that were prepared with water from the PWS' distribution system on or after Wednesday September 23, 2020. The PWS may instruct consumers to use bottled water or water from a MassDEP-approved alternative source of supply in lieu of boiling. In addition, if the PWS sells or otherwise provides drinking water to other public water systems (i.e., to consecutive systems), then the PWS shall provide notice to the owner/operator of the consecutive system. The notification required by this paragraph shall conform to the requirements for Tier 1 Public Notice in 310 CMR 22.16(2)(a), (b) and (c) and 310 CMR 22.16(5).
- B. **PROVIDE NOTIFICATION AND INFORMATION TO LOCAL OFFICIALS.** As soon as possible but no later than September 25, 2020, the PWS shall notify the chief municipal officer(s), local board(s) of health, and other emergency personnel, as appropriate, in the PWS' service area of the contamination and the planned response. The notification required by this paragraph shall conform to the requirements for Emergency Reporting in 310 CMR 22.15(9).
- C. **IMPLEMENT EMERGENCY RESPONSE PLAN.** The PWS shall immediately begin to implement the PWS' Emergency Response Plan in accordance with 310 CMR 22.04(13) and take all necessary actions to identify and remedy any actual or potential causes of contamination.

- D. **SUBMIT AN EMERGENCY RESPONSE REPORT.** The PWS shall complete and submit an Emergency Response Report (ER Report - Form 1) to MassDEP **within thirty (30) days** of the date of the Order, in accordance with 310 CMR 22.15(9)(c). The Emergency Response Report shall include the following information at a minimum: detailed timeline of the incident and response; evaluation of the incident; recommendations for improvements to emergency response planning, training and communication; recommendations for improvements to water system operations, staffing and budget; timeline for making all recommended changes; and an updated emergency response plan except for those items that are security sensitive.
- E. **SUBMIT PUBLIC NOTICE CERTIFICATION.** The PWS shall submit to MassDEP and the local Board of Health a certification, in accordance with 310 CMR 22.15(3)(b), that it has fully complied with the public notification regulations **within ten (10) days** of completing the public notification requirements under 310 CMR 22.16. The PWS shall include with this certification a representative copy of each type of notice distributed, published, posted, and made available to the persons served by PWS and to the media.
- F. **CCR REPORTING FOR COMMUNITY WATER SYSTEMS.** The PWS shall include in its next annual Consumer Confidence Report (CCR) all information pertaining to this Order required by 310 CMR 22.16A.
- G. **CONDUCT MONITORING AS NECESSARY TO ENSURE THE DELIVERY OF A FIT AND PURE WATER SUPPLY** As soon as practical, but no later than 24 hours after MassDEP verbally notified the PWS of the terms of this Order, which occurred on September 25, 2020, at 12:00 P.M., the PWS shall collect samples as directed by MassDEP in accordance with 310 CMR 22.03(2). Such sampling shall continue until MassDEP determines that the principal incident or reason for the violation has been corrected and the water no longer poses a risk to health. In addition to reporting the results to MassDEP via eDEP or by mailed copy, the PWS shall direct the laboratory it engages to analyze the samples to immediately notify Deirdre Doherty at MassDEP of the analytical results by electronic mail to Deirdre.Doherty@mass.gov at the same time that it provides the results to the PWS and the PWS shall immediately notify MassDEP after learning of the analytical results from the laboratory.
- H. **CORRECTIVE ACTIONS TO ADDRESS LOW PRESSURE EVENT OR OTHER EVENTS POSING A HEALTH RISK** Within 7 days of the date of this Order, the PWS, in consultation with MassDEP shall take all necessary actions to identify and remedy any actual or potential causes of contamination in accordance with 310 CMR 22.03(14)(a). The corrective actions shall include but are not limited to the following: Verify the presence and working condition of required backflow prevent devices within one mile of the River Road water main break, including all areas which experienced pressures of 35 psi or less.

- I. **SUBMIT CORRECTIVE ACTION PLAN** Within 30 days of the date of this Order, the PWS shall submit a corrective action plan to MassDEP in accordance with 310 CMR 22.03(14)(b). The corrective action plan shall detail the specific actions the PWS intends to take to ensure water supplied to consumers meets applicable standards.
7. Except as otherwise specifically provided for herein, all notices, submittals, and other communications to MassDEP required by this Order shall be directed to:

Deirdre Doherty
MassDEP
436 Dwight Street
Springfield, MA 01103
Tel: 413-755-2148
Fax: 413-784-1149
E-Mail: Deirdre.Doherty@mass.gov

8. The PWS is advised that, if it fails to comply with this Order, M.G.L. c. 111, § 160 provides for fines and civil penalties of up to \$25,000 and by imprisonment for up to one year for each day during which each violation covered by this Order continues or is repeated. The PWS is further advised that if it fails to comply with this Order, M.G.L. c. 21A, § 16 provides for civil administrative penalties of up to \$25,000, plus the economic benefit realized for such noncompliance.

IV. APPEAL RIGHTS AND TIME LIMITS

9. 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.

Massachusetts Department of Environmental Protection
For the Commissioner,

By: 15/ Michael Gorski
by Keene Nemmer
Michael Gorski
Regional Director

Date: September 25, 2020

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