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June 2011

Monitoring Waivers Program

2011 - 2013 Compliance Period

Information Sheet Application Form Attached

9-Year Waiver Compliance Cycle 2011-2019		
1 st Period 2011-2013	2 nd Period 2014-2016	3 rd Period 2017-2019

A new 9-year compliance cycle has started. The monitoring waiver application for this first period (2011-2013) of this new 9-year cycle is attached. As with last period's application, MassDEP will retrieve most information about your system's sources electronically from state databases instead of requesting the information in hard copy from the public water systems (PWS).

If you want to apply for monitoring waivers, please fill out the application and send it to:
MassDEP
DWP-Monitoring Waiver Program – 5th Floor
One Winter Street
Boston, MA 02108
Attn: Marie Tennant

Waivers can be requested for each source for VOCs, SOCs, and IOCs including arsenic and perchlorate. The source must have the required source protection measures in place, current treatment information, required monitoring laboratory reports¹ on file with MassDEP, and monitoring report results that do not exceed acceptable levels. Class B River sources are ineligible for monitoring waivers. Please read the three sections below for more detail. All existing monitoring waivers (except for state-wide waivers) have ended on December 31, 2010.

¹ Please note that all monitoring reports must meet quality assurance and quality control criteria and be accepted by MassDEP prior to entry in the state database. Any outstanding rejected reports must be corrected, resubmitted either electronically or by hard copy, and accepted by MassDEP before entry into the database.

Volatile Organic Compounds (VOC)

310 CMR 22.07B

Every community and non-transient non-community source is required to initially sample for 4 consecutive quarters in each 3-year compliance period. Sources that do not detect a contaminant during this initial compliance period are reduced to annual sampling. Systems may apply for a VOC waiver for their sources that would further reduce their sampling to 1 sample in every 3-year compliance period.

In order to be eligible for a VOC waiver, the source must not have **any** historical VOC detects. (Does not apply to trihalomethane compounds: chloroform, bromoform, chlorodibromomethane, and bromodichloromethane.) The source also must not be treated for VOCs and must have an acceptable VOC monitoring report in the MassDEP database from the 2008-2010 monitoring period. New sources must have 4 consecutive quarters from the 2008-2010 compliance period.

Acceptable Reports:

If a source had a waiver in the 2008-2010 period they would have had to test at least once in that 3-year period. That report will be sufficient to apply for new waiver.

If a source did not have a waiver in 2008-2010 they would have been testing annually and those will be accepted.

Source protection issues must also be met; no threatening land uses within the Zone I, II and/or A, B, C or IWPA of the sources, and minimum source protection requirements must be met (310 CMR 22.20B and 310 CMR 22.21). It is important that the source protection section on the application be complete so that MassDEP can update its records. Your SWAP report can assist you as a starting point. All threatening land uses must be noted on the application, including those found since the SWAP report had been made.

Synthetic Organic Compounds (SOC)

310 CMR 22.07A

Every community and non-transient non-community source is required to initially sample for 4 consecutive quarters in each 3-year compliance period. Sources that do not detect a contaminant during this initial compliance period are reduced to two quarters (not necessarily consecutive quarters) in one year during each 3-year compliance period for systems serving greater than 3300 people and once every 3-year compliance period for systems serving 3300 people or fewer. Systems may apply for an SOC waiver that would waive source sampling for the 3-year compliance period. Successive renewals in that compliance cycle would not require any additional samples.

9-Year Waiver Compliance Cycle 2002-2010			9-Year Waiver Compliance Cycle 2011-2019		
1st Period 2002-2004	2nd Period 2005-2007	3rd Period 2008-2010	1st Period 2011-2013	2 nd Period 2014-2016	3 rd Period 2017-2019

Because this is now a new 9-year compliance cycle, sources that had SOC waivers in the 2008-2010 period cannot "carry over" their SOC waiver from that period to the new 2011-2013 period. All sources wishing to apply for an SOC waiver must start new in this period and have one acceptable recent SOC monitoring report in the MassDEP database

Acceptable Reports:

If your source did not have any SOC waivers last compliance period you would have had to test for SOC in the past 3-year period. Reports done in this last compliance period (2008-2010) would be acceptable.

If your source had SOC waivers in the last compliance period it is most probable you will not have a current acceptable report in the MassDEP database and the source will need one to apply for an SOC waiver in this new compliance cycle/period. You can go about this in two ways.

1. If you tested for SOCs in the fall of 2010 in anticipation of SOC waivers requirements, this test will be accepted. Apply for the 2011-2013 period using that result (That result will also be accepted if /when you apply for the next two compliance periods in 2014-2019.)
2. You can start to take your regularly scheduled SOC samples for the 2011-2013 cycle. Once you have one acceptable SOC report in the data base you can then apply for your SOC waiver. (That result will also be accepted if /when you apply for the next two compliance periods in 2014-2019.) It is not possible for MassDEP to track this information. There is a special SOC Addendum form attached to the waiver package. It will be up to the individual system to notify MassDEP using this addendum form when your SOC samples results are available.

If your PWS serves less than or equal to 3300 people *and* you do not have any SOC data from Q4 in 2010, you do not need to apply for a 2011-2013 SO C waiver as your routine testing requirement is the same as the waiver application requirement. Sample as required and apply for an SOC waiver in 2014-2016.

Source protection issues must also be met; no threatening land uses within the Zone I, II and/or A, B, C or IWPA of the sources, and minimum source protection requirements must be met (310 CMR 22.20B and 310 CMR 22.21). It is important that the source protection section on the application be complete so that MassDEP can update its records. Your SWAP report can assist you as a starting point. All threatening land uses must be noted on the application, including those found since the SWAP report had been made.

SOC Notes:

1. *There is a Massachusetts statewide waiver for diquat, endothall, glyosphate, and dioxin. However, some surface water sources will be required to test for diquat if diquat has been used as an herbicide near public drinking water sources.*

2. There is a Massachusetts statewide waiver for ethylene dibromide (EDB) and dibromochloropropane (DBCP) for surface water sources only.

Inorganic Compounds (IOC)

310 CMR 22.06

Every community and non-transient non-community ground water source is required to sample once every 3-year compliance period and surface water sources must sample once each year. Systems may apply for an IOC waiver that would reduce sampling to one sample every 9-year compliance cycle. An IOC waiver lasts for the entire 9-year compliance cycle and does not need to be renewed every 3-year period.

Again, because this is a new compliance cycle any source wishing to have an IOC waiver in 2011-2013 compliance cycle must apply.

For first-time applicants: in order to be eligible for an IOC waiver, the source must not be treated for IOC contaminants, groundwater sources must have one acceptable monitoring sample report from a sample collected in the 2008 – 2010 compliance period, and two previous compliance monitoring results in the MassDEP database. Surface water sources must have their annual IOC results from the past three years in the MassDEP database.

For sources that had an IOC waiver in the 2002- 2010 compliance cycle: in order to be eligible for an IOC waiver, sources must not be treated for IOC contaminants, ground water and surface water sources must have one acceptable monitoring sample report from a sample collected in the 2002-2010 compliance cycle in the MassDEP database.

Source protection issues must also be met; no threatening land uses within the Zone I, II and/or A, B, C or IWPA of the sources, and minimum source protection requirements must be met (310 CMR 22.20B and 310 CMR 22.21). It is important that the source protection section on the application be complete so that MassDEP can update its records. Your SWAP report can assist you as a starting point. All threatening land uses must be noted on the application, including those found since the SWAP report had been made.

IOC Notes:

1. Arsenic and perchlorate waivers are handled separately from the regular IOC suite. See below for information on these two contaminant waivers.

2. There are no waivers for sodium; therefore, all sources must test for sodium.

3. There is a statewide waiver for source testing of asbestos. Systems with asbestos-cement pipe are required to test for asbestos within their distribution system; no waivers of this testing are allowed.

Arsenic Waiver

Sources that had a waiver in 2008-2010 compliance period must reapply for the 2011-2019 compliance cycle. Sources must not treat for arsenic, must meet land use criteria, and have at least one acceptable arsenic (IOC) sample taken since January 1, 2005. The sample must meet the arsenic data criteria discussed below.

Sources wishing to apply for an arsenic waiver for the first time must not treat for arsenic, must meet satisfactory land use criteria, and have the following acceptable monitoring data in the MassDEP database:

Groundwater Sources:

- one arsenic result collected in 2008-2010 and
- two additional compliance period arsenic sample results and
- all sample results must meet the arsenic data criteria discussed below.

Surface Water Sources:

- 3 annual arsenic results collected in 2008, 2009, 2010 and
- all sample results submitted must meet the arsenic data criteria discussed below.

Arsenic Data Criteria: In January 2006 the arsenic MCL was lowered from 0.05 mg/L to 0.010 mg/L. Accordingly, all arsenic monitoring data must meet the following criteria:

- Arsenic analyses must have been completed by EPA Methods 200.8 or 200.9; SM 3113B or 3114B; or ASTM D-2972-97B or D-2972-97C and
- Reported laboratory detection limits must be below 0.005 mg/L.

Perchlorate Waiver

Systems may apply for a perchlorate waiver for their sources that would further reduce their sampling to 1 sample in every 3-year compliance period.

Sources wishing to apply for a perchlorate waiver must not treat for perchlorate, must meet satisfactory land use criteria, and have the following acceptable monitoring data in the MassDEP database.

For sources that had a waiver in the 2008-2010 period: must have an acceptable sample from the 2008-2010 compliance period in the MassDEP database.

For first time surface and groundwater sources: After the initial monitoring has been met, must have three acceptable annual samples in the MassDEP database.

Additional source protection issues must also be met to be eligible for a perchlorate waiver. No fireworks display permits must have been issued for any location within the Zone II of a groundwater source, or Zones A and B of a surface water source, since January 1, 2006. Furthermore, the supplier shall verify that no blasting permits have been issued for any

location within the Zone II or Zones A and B since January 1, 2006. Blasting and fireworks permits are issued by local fire departments.

Please fill out the application form on the following pages and submit to MassDEP; DWP-Monitoring Waiver Program – 5th Floor; One Winter Street; Boston, MA 02108; Attention-Marie Tennant.

Deadline date: August 1, 2011.

Application form also available on the web at
<http://www.mass.gov/dep/water/approvals/dwsforms.htm#waiivers>.

Questions?

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