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Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

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## 2021 Notice to Local Boards of Health

2021

Dear Board of Health and Health Agent:

The Massachusetts Department of Environmental Protection (MassDEP) Drinking Water Program annually provides local Boards of Health (BOHs) with information of interest, reminders of annual form submissions and an inventory of public water systems in the Commonwealth for review. This letter addresses topics where we continue to receive consumer questions or have important updates for BOHs.

Please find the information we have prepared for public water systems on COVID-19 at:

<https://www.mass.gov/info-details/massdep-covid-19-resources-for-water-suppliers-and-wastewater-operators#water-supplier-resources>. Here you will find Frequently Asked Questions and other guidance for public water systems including information on the importance of flushing building after closure or low flow resulting from the COVID-19 pandemic. **Please share the Flushing Guidance with all facilities in your communities that have closed or experienced low flow operations during the COVID-19 Pandemic.** Please update the **Official Email Address & Emergency Contacts List**. This year we will continue with our commitment to reduce paper use and use email to provide you with copies of routine enforcement correspondence sent to your local public water suppliers. To ensure you receive copies of our enforcement correspondence please update the '*Official Email Address & Emergency Contacts List*'.

**How is this mailing organized?** This mailing is organized by topic. Items requiring your action are in **Part I: Action Items**. The forms for responding to these items are on MassDEP's website in the links provided. For your convenience you may create a PDF of your response and send an electronic copy to us at [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov) with the name of the form in the subject line. If you prefer, you can return the forms through the regular mail. However, during this COVID-19 pandemic to ensure our timely access to your responses, we encourage you to respond by email. If you are unable to access or print the attached forms or need additional information you can contact us at the email above or at 617-292-5770.

If you are looking for information on a topic that you do not see in this year's letter, please refer to the list of Drinking Water Program resource links at the end of the letter.

Please remember, if you have a public drinking water emergency that occurs outside of normal working hours (nights and weekends) please contact MassDEP at 1-888-304-1133 (24 hour toll-free). Thank you for continuing to work together with us to protect public health.

Sincerely,

A handwritten signature in black ink, appearing to read "Yvette DePeiza". The signature is fluid and cursive, with a long horizontal stroke at the end.

Yvette DePeiza, Program Director  
MassDEP/Drinking Water Program

Attachments:

- A. Official Email & Emergency Contacts
- B. Recreational Camp Form
- C. Public or Private System Flow Chart
- D. PWS Definitions

# 2021 ANNUAL NOTICE TO LOCAL BOARDS OF HEALTH

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## **PART I: Action Items**

### **Official Email and Emergency Contacts**

Please submit the ‘*Board of Health Official Email Address & Emergency Contacts List*’ to MassDEP’s email address below. This form is provided in ‘Attachment A’ and is also available online at:

<https://www.mass.gov/doc/boards-of-health-official-email-address-and-emergency-contact-list/download>.

Your official email address should be the email where you wish to receive official MassDEP /Drinking Water Program information e.g., copies of public water system enforcement documents, sanitary surveys etc. Emergency contacts should be prioritized in the order that you want to be notified by MassDEP staff in case of an emergency. Contact #1 should contain the name and contact information of the BOH person that you want to have contacted first in an emergency. If Contact #1 cannot be reached, we will attempt to contact the person identified as Contact #2, and so on.

Please submit your ‘*Official Email Address & Emergency Contacts List*’ by email to [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov), Subject: BOH Emergency Contacts. You may also submit your response to MassDEP Drinking Water Program, One Winter Street - 5<sup>th</sup> floor; Boston, MA 02108; Attn.: BOH Emergency Contacts. However, to ensure our timely access to your responses we encourage you to respond by email.

### **BOH Public Water Systems (PWSs) Inventory Review**

It is important for BOHs to know who the PWSs are in their community. An electronic list of active PWSs is available on MassDEP’s website at: <https://www.mass.gov/lists/drinking-water-health-safety#4>. The PWSs listed here are systems registered with MassDEP. To locate your community’s list, scroll to “Additional Resources” and click on “Public water supplier contact spreadsheet”. Please review your list for discrepancies that should be reported to MassDEP, including:

- ✓ **Add** facilities that meet the definition of a PWS. These are systems that have at least 15 service connections **or** serve an average of at least 25 people per day at least 60 days per year (see PWS definitions in ‘Attachment D’). Be aware of property conversions that create a PWS, such as a residence operating a child day care facility or a gas station adding a coffee shop. Such facilities should be directed to contact MassDEP prior to operation. If a facility operates as a PWS before obtaining MassDEP approval, the facility owner and operator may be subject to enforcement action, including monetary penalties.
- ✓ **Update** systems that have changed their address or ownership (cross out the incorrect information and provide the new facility information).
- ✓ **Delete** systems that no longer have their own source of water (cross out these systems).

For more information about property conversions see Part II of the 2019 BOH Notice:

<https://www.mass.gov/lists/drinking-water-information-for-boards-of-health>. To help BOHs quickly determine whether a facility is a public or private water system, see ‘Attachment C’, also available at:

<https://www.mass.gov/service-details/determining-if-a-water-system-is-public-or-private>.

**Please make any necessary changes and updates and return the list** to MassDEP - Drinking Water Program, One Winter St., 5th Floor, Boston, MA, 02108; Attn.: BOH Update, or by email attachment to [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov), Subject: BOH Update. To request a hardcopy of your list, or for questions contact email MassDEP at [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov), Subject: PWS Inventory. To ensure our timely access to your responses we encourage you to respond by email.

## **BOH Regulation Filing Requirements**

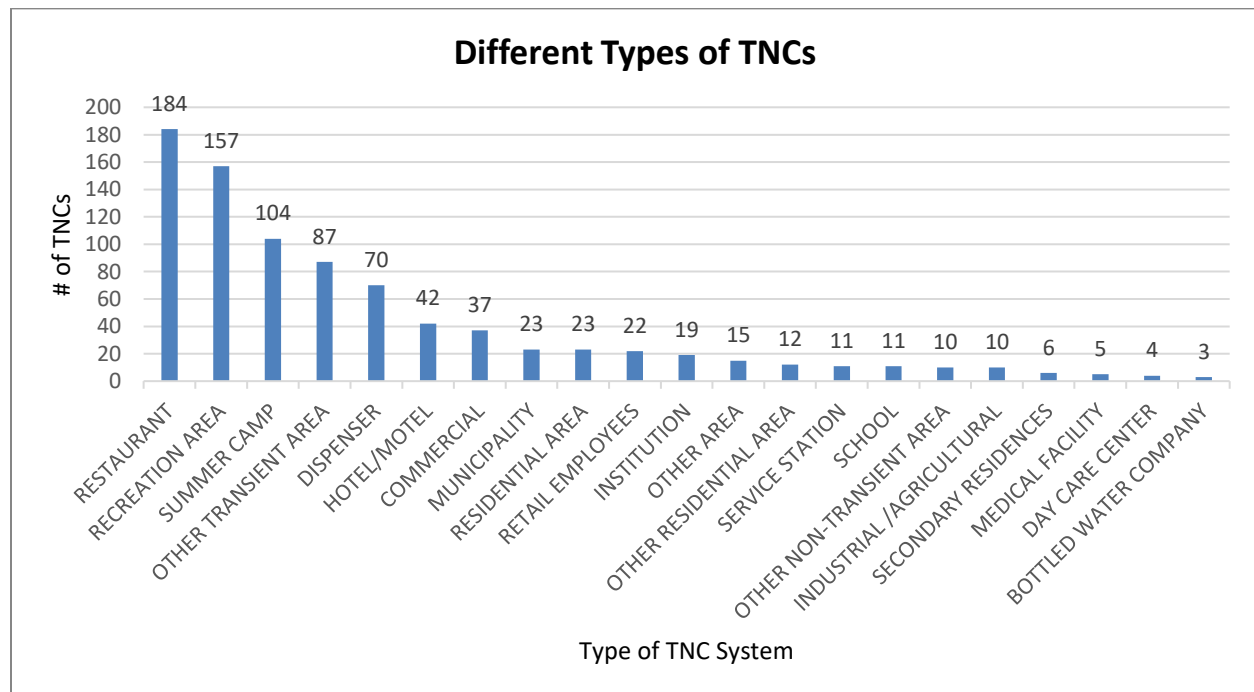
As a reminder to BOHs, Massachusetts General Law, Section 31 of 111 and Section 8 of 21A require BOHs to file attested copies of all BOH regulations, including amendments, with the **Central Register** located at MassDEP in Boston. Copies of regulations should be submitted to: MassDEP, Central Register, One Winter St., 5<sup>th</sup> for, Boston MA 02108. Please note that BOH regulations for private wells, well drillers, floor drains, groundwater protection and public water supplies should also be submitted to the Drinking Water Program at: [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov), Subject: BOH Regulations.

## **Transient Non-Community PWSs**

Transient Non-Community (TNC) PWSs are primarily businesses with a private well that provides water to the public. As defined in Massachusetts Drinking Water Regulations 310 CMR 22.00, a TNC PWS serves at least 25 different people for at least 60 days of the year. A TNC PWS can be a gas station, farm stand, motel, or other small business with their own source of drinking water. For example, a car dealership offering complimentary coffee in their waiting room, may meet the definition of a TNC PWS. The chart below shows the many types and numbers of TNC PWSs that health officials likely interact with during their day-to-day work.

To ensure consumers are provided safe drinking water, MassDEP conducts sanitary surveys of all PWSs. BOHs can play a role in this effort by informing MassDEP if they believe a particular system might benefit from additional one-on-one technical assistance. To request assistance, BOHs can contact MassDEP at [Program.Director-dwp@mass.gov](mailto:Program.Director-dwp@mass.gov) Subject: TNC Technical Assistance.

MassDEP sends out a quarterly TNC newsletter posted at: <https://www.mass.gov/lists/communications-to-public-water-suppliers>. More information about TNC PWSs is available at: <https://www.mass.gov/info-details/public-drinking-water-system-operations#small-water-systems->



## **Certified Operators and Compliance with the Annual Statistical Report Requirements**

Drinking Water Regulation 310 CMR 22.15(5) requires PWSs to submit an annual statistical report (ASR) of their water system operations. The ASR provides MassDEP with the facility's water production and operating information for the previous year. Of particular concern to public health is verification that a PWS is operated by a Certified Operator, as defined in 310 CMR 22.11B. A PWS operating without a Certified Operator, is in violation of this regulation and is subject to MassDEP penalties. MassDEP is reaching out to BOH for their assistance in the following ways:

- When MassDEP determines a PWS is operating without a Certified Operator, both the PWS and the BOH are notified of this situation. Facilities operating without a Certified Operator may pose health risk to consumers. BOHs can assist MassDEP by following up with the PWS when MassDEP requests their assistance. BOHs may inform a facility that operating without a Certified Operator may result in their MassDEP *Certificate of Registration* being revoked; and that their facility could be closed (by the BOH) until such time the PWS has engaged a Certified Operator.
- In addition, BOHs can assist by notifying MassDEP when a facility, which was providing water to the public, closes permanently or temporarily (such as due to COVID-19). This assistance will enable MassDEP to adequately determine the compliance status of a PWS.

We appreciate BOHs in partnering with MassDEP to ensure all public water suppliers continue to provide clean drinking water to consumers. To notify MassDEP email [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov), Subject: PWS certified operator/facility closed.

## **Certificates of Registration and Water Quality Reports**

- MassDEP issues a '*Certificate of Registration*' to every PWS registered with MassDEP. This certificate is useful for many parties, especially TNC PWSs. The PWS should produce their '*Certificate of Registration*' when applying for a seasonal operation permit or a facility audit, or a BOH or building inspection. If a facility providing water to the public does not have a '*Certificate of Registration*', the BOH should report this facility to MassDEP. The '*Certificates of Registration*' are available on MassDEP's website, see link below. Facilities that do not have a '*Certificate of Registration*' should be identified in the 'BOH Inventory Review'.
- MassDEP issues '*Water Quality Reports*' to Non-Community systems. The '*Water Quality Report*' for these PWSs is similar to the '*Consumer Confidence Report*' required for Community systems. The '*Water Quality Report*' provides consumers with their drinking water quality information and potential sources of contamination. PWS are required to print out their '*Water Quality Report*', have it signed by both the operator and owner, and post it in a conspicuous area for customer viewing. BOHs should look for the facility's '*Water Quality Report*' when issuing local permits or conducting inspections. A PWS providing water to the public that does not have a '*Water Quality Report*', should be identified in the BOH Inventory Review.

The '*Certificates of Registration*' are published every January and the '*Water Quality Report*' every July. BOHs can locate these documents under "Public Water System Document Search". Selecting "PWS ID #" or "PWS Name" and then "Retrieve Documents". If a BOH cannot locate these documents, please contact [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov), Subject: Certificate of Registration/Water Quality Report. Both of these documents are posted on MassDEP's webpage: <https://www.mass.gov/service-details/public-water-supplier-document-search>.

## **Annual Recreational Camp Requirement**

BOHs have the responsibility for licensing local recreational camps. Licenses are issued in accordance with 105 CMR 430.632, which stipulates, “Upon the issuance of a license, the local BOH shall notify MassDEP and the Massachusetts Department of Public Health. Said notification shall include the name and address of the camp, the name of the owner, the number of campers and staff, and the number of days per year that the camp will be in operation”.

Campgrounds that meet the definition of a PWS can successfully meet MassDEP requirements by:

- ✓ conducting water quality testing;
- ✓ using a certified water operator for their system; and
- ✓ submitting the required paperwork to MassDEP.

For more information see: <https://www.mass.gov/service-details/safe-drinking-water-and-your-campground>. Please remember to submit information regarding newly licensed camps to MassDEP by March 31st each year using the form in ‘Attachment B’, also available at: <https://www.mass.gov/doc/recreational-camps-licensed-by-local-boards-of-health-0/download>. We encourage you to respond by email to [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov), Subject: Recreational Camp Update.

## **Underground Injection Control (UIC) - Title 5 Systems**

The purpose of the UIC Regulations is to protect underground sources of drinking water from subsurface discharge activities. It is estimated that there are more than 190,000 public and private potable water supply wells in Massachusetts that are protected by the UIC program. MassDEP has primacy for the administration of the UIC Program which regulates subsurface discharges (including wastewater) that meet the definition of a UIC. Title 5 soil absorption systems on non-residential properties and systems used for two or more residential units are considered UIC Class V wells per the federal UIC regulations. MassDEP is required to provide annual inventory reporting to the Environmental Protection Agency (EPA) on these Title 5 systems.

For BOHs that do not have a database to maintain their Title 5 system records, MassDEP provides an Excel spreadsheet available at: <https://www.mass.gov/doc/request-for-title-5-inventory-information>. This is an Excel document with two spreadsheets. One spreadsheet tab is labeled “DATA” and is for entering information. The second tab is labeled “Instructions” and provides the drop-down menu items that are in the DATA spreadsheet along with instructions.

BOHs can support MassDEP’s efforts in protecting ground water sources in the Commonwealth by providing MassDEP with a list of their Title 5 systems, or by entering the information in the spreadsheet. In particular, we would appreciate the following information on any Title 5 system that is also a UIC Class V Well (as described above):

- (1) Facility name and location;
- (2) Ownership of the facility;
- (3) Name and address of owner’s legal contact; and
- (4) Operating status of Title 5 systems.

If you submitted your inventory in previous years, we only request that you update the information. Please include any new systems and note if any of the systems reported in prior years have been decommissioned or have had other changes in operating status. For questions about the UIC Program, please contact the DWP at 617-292-5770 or [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov) Subject: UIC.

## PART II: Notifications

### Emergency Response Notification Requirements

Massachusetts Drinking Water Regulations, 310 CMR 22.00, include specific notification requirements for reporting emergencies to MassDEP and the local BOH. These regulations identify the specific incidents or emergencies that require notification within 2 hours and 24 hours.

Section 310 CMR 22.15(9) requires PWSs to notify MassDEP **and** the local BOH after an incident or emergency resulting in consumers receiving water that does not meet the required or routine water quantity or water quality conditions:

1. Emergencies or incidents requiring notification **within 2 hours**:
  - (a). Loss of water or drop in pressure to less than 20 psi (lbs per square inch), affecting 50 percent or more of consumers for a system serving less than 10,000 persons.
  - (b). Loss of water or drop in pressure to less than 20 psi, affecting 5,000 or more of consumers for a system serving 10,000 or more persons.
  - (c). Chemical or microbiological contamination of the water supply in exceedance of limits specified by MassDEP's Office of Research and Standards as set forth in the '*Standards and Guidelines for Contaminants in Massachusetts Drinking Waters*'. This document is available at: <https://www.mass.gov/service-details/dwps-use-of-mcls-office-of-research-and-standards-drinking-water-guidelines-for>.
  - (d). Discovery of malicious intent or acts of vandalism that may impact a system component.
  - (e). Any consumer complaint in which the water may have caused physical injury.
  - (f). A pattern of unusual customer complaints about the water quality such as taste, odor, etc.
  - (g). Any other emergency as determined by MassDEP in writing.
2. Emergencies or incidents requiring notification **within 24 hours**:
  - (a). Loss of water supply from a source.
  - (b). Loss of water supply due to major component failure.
  - (c). Damage to power supply equipment or loss of power.
  - (d). Contamination of water in the distribution system from backflow or cross connection incident.
  - (e). Collapse of a reservoir, reservoir roof or pump house structure.
  - (f). Break in a transmission or distribution line which results in a loss of service to 100 consumers for more than four hours.
  - (g). Chemical or microbiological contamination of the water supply by contaminants not specified above in 1.c. which may include overfeed of drinking water treatment chemicals or exceedance of EPA Health Advisories, such as cyanotoxins.
  - (h). Any other failure of part or all of the water supply system due to equipment failure, human acts (deliberate or accidental), or natural or human made disasters.

To report an emergency situation outside of normal business hours (evenings and weekends) you can contact MassDEP at **1-888-304-1133** (toll-free, 24 hours). For more information about the Emergency Response Regulations see: <https://www.mass.gov/lists/emergency-response-for-public-water-systems>.

If you have any questions, please contact the DWP at 617-292-5770 or [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov), Subject: Emergency Response Regulations.



## Water Supply Emergency Declarations

BOHs should be aware of the provisions in the *Water Management Act* for water supply emergencies (M.G.L c.21G s.15-17). MassDEP provides technical assistance to communities on the management and the use of emergency connections and emergency water supplies. Any PWS having difficulty meeting demands, drought related or not, may request a ‘*Declaration of Water Supply Emergency*’ from MassDEP. The provisions for declaring a water supply emergency are outlined in the Massachusetts Water Resources Management Program Regulations, 310 CMR 36.40.

A ‘*Declaration of Water Supply Emergency*’ requires the PWS to submit a plan to remedy the emergency. Plans can include measures to purchase water from other suppliers, use emergency sources, implement aggressive conservation measures, and provide a mechanism to restrict outdoor water use for those PWSs that do not have the legal authority to implement such measures. For more information on drought conditions in Massachusetts visit: <https://www.mass.gov/drought-information-and-assistance> or contact [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov), Subject: Drought.

## Boil Orders and Other MassDEP Public Health Orders

There are 3 types of public health orders issued by MassDEP. During any of these orders, bottled water or water from an approved MassDEP source may be used.

- (1). **Boil Orders** are issued by MassDEP when a PWS exceeds, or has the potential to exceed, the standard for E.coli or detects a fecal indicator. This order requires the PWS to notify consumers to boil the water or use water from another approved source. Boiling is appropriate if there is no other identified public health risk due to inhalation, skin irritation, or flammability.
- (2). **Do Not Drink Orders** are issued by MassDEP when there is a suspected or known synthetic organic chemical (SOC), inorganic chemical (IOC), volatile organic compound (VOC), or radiological contamination in the drinking water. Continued drinking or other human consumptive uses of the water would or could pose an immediate threat to health. Non-consumptive use is still permitted if there is no identified public health risk due to inhalation, skin irritation or flammability.
- (3). **Do Not Use Orders** are issued by MassDEP when there is or may be an unknown chemical, VOC, radiological or other unknown contamination and there may be a risk from inhalation, skin irritation or flammability. A *Do Not Use Order* may also be issued for a known chemical or radiological contamination that exceeds an immediate health and safety risk, e.g., gasoline in the water.

## Frequently Asked Questions

- (a). What Happens When Sample Results or a Situation Indicates the Need for a Public Health Order?
  - The PWS informs MassDEP and their local BOH within **2 hours** of learning of the problem.
  - MassDEP consults with the PWS and determines the appropriate course of action in accordance with federal and state drinking water regulations. The local BOH is made aware of the situation and may participate in these discussions.
  - MassDEP verbally notifies the PWS of the situation and issues a written order to the PWS within 24 hours or as soon as possible. **The order always identifies the actions consumers should take with the drinking water, along with steps the PWS must take to protect the public health, monitor the situation, and correct the problem.**
  - MassDEP keeps the Mass Department of Public Health (MDPH) and the EPA informed throughout the situation.

- MassDEP lists all public health orders on its website. If an order is issued on a normal business day, it is posted on the website within 2 hours. If the order is issued on a weekend or a holiday the information is on the webpage within 24 hours of the first business day following the issuance of the order. This information is located at: [https://eeaonline.eea.state.ma.us/DEP/Boil\\_Order](https://eeaonline.eea.state.ma.us/DEP/Boil_Order).

(b). How are Consumers Notified of a MassDEP Public Health Order or Advisory?

The PWS is required to issue a MassDEP approved notice within 2 hours of receiving the MassDEP notification of the situation or receipt of the written order, whichever occurs first. To expedite the consumer notification process MassDEP has pre-approved template notices available for use. PWSs should use the following means:

- Broadcast media (radio, television, newspaper);
- Posting the notice; Hand delivery; and
- Other methods approved in writing by MassDEP i.e. e-mail, text message, social media.

(c). What Instructions Must Food Establishments Follow During a Drinking Water Public Health Order?

The MDPH has specific guidance outlined in the ‘*MDPH Guidance for Emergency Action Planning for Retail Food Establishments*’: <https://www.mass.gov/lists/retail-food>. Questions on food establishment requirements should be referred to the MDPH Food Protection Program at 617-983-6700: <https://www.mass.gov/food-safety>.

(d). How Can MassDEP, PWSs and BOHs Assist Each Other with Drinking Water Public Health Orders?

BOHs and health officials should be familiar with the MassDEP required ‘*Emergency Response Plan*’ (ERP) for each of the PWS in their community. At a minimum, all parties should share up-to-date contact information. This will ensure that everyone is kept informed when an emergency occurs, or a public health order is necessary. Here are a few steps that will go a long way to help PWSs and BOHs address emergencies and public health orders:

- ✓ **Before** a public health order is issued or an emergency occurs, the PWS and BOH should work and train together on the ERP. PWS should follow all applicable MassDEP regulations, policies and guidance to maintain a fully compliant system.
- ✓ **During** a public health order, the PWS and BOH should follow the ERP and the MassDEP public health order.
- ✓ **After** a public health order, the PWS and BOH should evaluate the situation and the ERP as needed. The PWS and BOH should continue working and training together on the ERP.

(e). Where Can I Get More Information About MassDEP Boil Orders and Other Public Health Orders?

- Visit: <https://www.mass.gov/guides/drinking-water-boil-orders-and-public-health-orders>. If you have any questions contact DWP at 617-292-5770 or [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov), Subject: Public Health Orders.
- MassDEP DWP Regional Contact Numbers: Central Region 508-849-4036, Northeast Region 978-694-3200; Western Region 413-755-2148, Southeast Region 508-946-2805, Outside regular business hours call MassDEP at 888-304-1133

## **Unregulated Contaminant Monitoring Rule**

The EPA uses the Unregulated Contaminant Monitoring Rule (UCMR) Program to collect data for contaminants suspected to be present in drinking water, but that do not have health-based standards set under the Safe Drinking Water Act (SDWA). The fourth rule, UCMR4, to be conducted under EPA oversight, was published in the Federal Register on December 20, 2016. UCMR4 requires all PWS serving more than 10,000 persons to monitor during 2018-2020. UCMR4 requires laboratories to analyze and report all results exceeding EPA's minimum reporting levels for each contaminant. UCMR4 will require monitoring for 30 unregulated contaminants, including 10 cyanotoxins, 2 metals, 8 pesticides/1 pesticide manufacturing byproduct, 3 brominated haloacetic acids groups, 3 alcohols and 3 other semi-volatile chemicals.

The EPA is responsible for the development, review, and distribution of all UCMR4 sample results, as well as the analysis of samples from a national set of PWSs serving 10,000 people or less. Because this round of testing still requires the reporting of all chemicals detected, PWSs may be reporting more results during this round to their customers, even though these detects could be well below any published health advisory or guideline.

Published health advisory or guidelines are available in MassDEP's '*Standards & Guidelines for Contaminants in Massachusetts Drinking Water*': <https://www.mass.gov/guides/drinking-water-standards-and-guidelines>. EPA reference concentrations for each unregulated chemical is available at: <https://www.epa.gov/sites/production/files/2018-05/documents/ucmr4-refconc-180514.pdf>. UCMR4 occurrence data will be made available on EPA's website and MassDEP will post statewide data once it becomes available. For EPA UCMR Occurrence Data: <https://www.epa.gov/dwucmr/occurrence-data-unregulated-contaminant-monitoring-rule>.

## **Consumer Notification Requirements**

- Public Notification (PN) - In addition to requiring notification of violations, the PN rule requires PWS to provide special notices for certain situations, including the availability of unregulated contaminant monitoring data. Public notices of unregulated contaminant monitoring data are different from other public notices because they do not have to contain all the elements required of other types of public notices. Instead, PWS need only report that the results are available and provide a phone number or contact where the results can be obtained. All PWS must issue special notice within 12 months of receiving monitoring results, and must submit the PN certification form and copy of the notice within 10 days of issuing PN.
- Consumer Confidence Reports (CCR) – must be prepared and distributed to customers of Community PWSs. Non Community PWSs are required to post their '*Water Quality Report*' issued to the PWS. MassDEP issues this report after ensuring the requirements of 310 CMR 22.16A have been met. Per EPA guidance, CCRs must be distributed to customers by July 1st of each year and must include any UCMR detections received by the PWS during the previous calendar year.
- Public Education (PE) is required for the Lead and Copper Rule and the polyfluoroalkyl substances (PFAS) regulations. These regulations require specific information to be shared with consumers when certain trigger levels are exceeded.

For information on the PN, PE and CCR requirements see: <https://www.mass.gov/info-details/consumer-confidence-reports#unregulated-contaminants-monitoring-rule-and-public-notification-in-ccrs->. If you have questions contact DWP at 617-292-5770 or [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov), Subject: PN/CCR.

## **Drinking Water Supply Protection Grant Program**

Massachusetts Executive Office of Energy and Environmental Affairs (EEA) ‘*Drinking Water Supply Protection Grant Program*’, awards funds to eligible public water suppliers to purchase land or conservation restrictions for drinking water supply protection.

For more information, please visit the Division of Conservation Services: <https://www.mass.gov/service-details/drinking-water-supply-protection-grant-program> or contact Nathaniel Thomas [Nathaniel.Thomas@mass.gov](mailto:Nathaniel.Thomas@mass.gov).

## **PART III: Emerging Issues**

### **PFAS**

On October 2, 2020, MassDEP established a drinking water standard, or a Maximum Contaminant Level (MCL), for the sum of six per- and polyfluoroalkyl substances (PFAS). The MCL is 20 ng/L (nanograms per liter) or parts-per-trillion (ppt) for what the regulations call PFAS6, or the sum of six PFAS compounds: PFOS, PFOA, PFHxS, PFNA, PFHpA, PFDA.

PFAS are a family of chemicals widely used since the 1950s. Because PFAS are water soluble, over time PFAS from some firefighting foam, manufacturing sites, landfills, spills, air deposition from factories and other releases can seep into surface soils. PFAS can leach into groundwater or surface water and can contaminate drinking water. PFAS have also been found in rivers, lakes, fish, and wildlife. PFAS have also been linked to a variety of health risks, particularly in women who are pregnant or nursing, and in infants. This drinking water standard is set to be protective against adverse health effects for all people consuming the water.

Community and NTNC PWSs are required to begin quarterly sampling in 2021. TNC PWSs are not subject to the PFAS MCL requirements but are required to collect one PFAS6 sample by September 30, 2022. Case-specific health assessments of drinking water PFAS6 concentrations at TNC systems can be required under existing authority. Any Community or NTNC PWS that has a confirmed PFAS6 detection in finished water that exceeds the PFAS6 MCL, must provide public education materials to consumers. Until the PWS obtains a monitoring result at or below the PFAS6 MCL at such locations, public education should be updated quarterly.

For more information about PFAS, where it has been found at PWS sources and what MassDEP is doing to address it, see: <https://www.mass.gov/info-details/per-and-polyfluoroalkyl-substances-pfas>. MassDEP Fact Sheet – Q&A for Consumers <https://www.mass.gov/doc/massdep-fact-sheet-pfas-in-drinking-water-questions-and-answers-for-consumers/download>.

Information for Public Health Professionals from the CDC <https://www.atsdr.cdc.gov/pfas/index.html>. If you have any questions, contact the DWP at [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov), Subject: PFAS

### **PFAS in Private Wells**

The Baker-Polito Administration received funding from the legislature to support testing for PFAS in drinking water in both public water supplies and selected private wells to assist in characterizing PFAS levels in the Commonwealth. The MassDEP ‘*Private Wells PFAS Sampling Program*’ provides the opportunity for laboratory analyses of samples from selected private wells for PFAS at no charge to the homeowner.

MassDEP is partnering with UMass to undertake this program to characterize PFAS levels in municipalities that are not predominantly served by public water systems.

MassDEP has identified 84 towns where more than 60% of the population is served by private wells. Within these communities, MassDEP has begun working with its UMass contractor, local BOHs, and other local partners to identify private wells in each town for potential PFAS analysis based on geographic distribution within the town and/or proximity to potential sources of PFAS. MassDEP is also working with its partners to conduct outreach to homeowners within these 84 towns to encourage them to apply for sampling. Approximately 20-40 wells will be selected in each town for PFAS drinking water lab analysis. The UMass contractor will then contact the selected well owners to arrange for sampling. To date, MassDEP and its UMass contractor have invited 26 local BOHs and other local officials to meet to discuss the program, and sampling of private wells has begun or is in process in 14 towns. MassDEP and its UMass contractor will continue to initiate this program in the remainder of the 84 towns.

For more information about this program, see our Frequently Asked Questions page at:

<https://www.mass.gov/doc/frequently-asked-questions-about-the-massdep-private-wells-pfas-sampling-program/download>.

For information about whether a homeowner should test their private well for PFAS; how to test; and home drinking water treatment devices to remove PFAS visit our webpage for private well owners:

<https://www.mass.gov/info-details/per-and-polyfluoroalkyl-substances-pfas-in-private-well-drinking-water-supplies-faq>.

### **Cybersecurity**

Cybersecurity has become an emerging area of concern due to recent cyber-attacks on PWSs. To address this issue, MassDEP is taking the following steps to increase Cybersecurity awareness:

- ✓ We are increasing the amount of cybersecurity related news sent to PWSs and partners and providing them with the best available information, guidelines and tips;
- ✓ We are including more Cybersecurity related information in our biweekly communication to PWSs and partners. Drinking Water Program Updates can be found at: [mass.gov/lists/communication-to-public-water-suppliers](https://www.mass.gov/lists/communication-to-public-water-suppliers) or at Statehouse Archives: <https://archives.lib.state.ma.us/handle/2452/826119>;
- ✓ We have partnered with industry experts to provide free Cybersecurity training for public water suppliers and operators and are working with EPA to provide training and assistance to PWSs; and
- ✓ We have developed simple, user friendly one-page flyers for operators to post in their workplaces. The aim of these flyers is to educate and remind operators on the best cybersecurity practices to adopt to protect system from cyber-attacks. These flyers are available online at: <https://www.mass.gov/info-details/public-drinking-water-system-operations#cybersecurity-> .

If you have any questions on this information, please contact DWP at 617-292-5770 or [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov), Subject: Cybersecurity.

For further information, visit MassDEP's 'Cybersecurity Advisory for Public Water Supplier' at: <https://www.mass.gov/service-details/cybersecurity-advisory-for-public-water-suppliers>.

## **Controlling *Legionella*: Healthcare Facilities, Large Buildings and Non-Registered PWS**

- SECONDARY DISINFECTION IN HEALTHCARE FACILITIES

In the last several years there has been an increasing number of healthcare facilities (e.g., hospitals and nursing homes) and hotels in the U.S. that are providing secondary disinfection to their water to prevent the proliferation of several pathogens (primarily *Legionella pneumophila*) known to grow in the biofilms of the plumbing of large buildings. These pathogens grow best where the water temperature in the pipes is above 68° F, and have been found in cooling towers, hot tubs and hot water tanks. Healthcare facilities are particularly concerned about *Legionella* because older people and those with weakened immune systems are especially vulnerable. More information on *Legionella* can be found on the Center for Disease Control's website at: <http://www.cdc.gov/legionella/index.html>.

A facility serving 25 or more persons for 60 or more days a year that intends to install and operate a permanent disinfection treatment system is considered a PWS and requires MassDEP prior approval.

A facility serving 25 or more persons for 60 or more days a year that performs disinfection on a temporary basis not exceeding 60 days, may not be regulated as a PWS by MassDEP if such system notifies MassDEP, their local water authority, MDPH and their BOH or health department. In addition, the facility should the temporary disinfection procedure overseen by a consultant or engineer who must develop a disinfection plan and have experience or certification as a drinking water operator. The plan must include an emergency response plan and notification protocol to address over-feeds and potential exceedances of any SDWA contaminant.

For more information see <http://www.mass.gov/eea/agencies/massdep/water/drinking/water-systems-ops.html#17> and <http://www.mass.gov/eea/agencies/massdep/water/regulations/chlorine-dioxide-shock-treatment-at-health-facilities.html>.

In addition to MassDEP approval, Veteran Hospitals installing permanent disinfection to control *Legionella*, must refer to the U.S. Department of Veteran Affairs Directive 1061 'Prevention of Healthcare-Associated *Legionella* Disease and Scald Injury from Potable Water Distribution Systems, August 2014', for details see: [https://www.va.gov/VHApublications/ViewPublication.asp?pub\\_ID=9181](https://www.va.gov/VHApublications/ViewPublication.asp?pub_ID=9181).

- POLICY TO INHIBIT MICROBIAL GROWTH

The Department of Health and Human Services, Centers for Medicare & Medicaid Services issued a policy directive on June 6, 2018 to require Hospitals, Critical Access Hospitals and Long-Term Care facilities to develop policies and procedures that inhibit microbial growth in building water systems. The purpose of the directive is to reduce the risk of growth and spread of legionella and other opportunistic pathogens in water. For more information see: <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/SurveyCertificationGenInfo/Policy-and-Memos-to-States-and-Regions-Items/Survey-And-Cert-Letter-17-30-.html>.

- USING CHLORINE DIOXIDE

Recently, companies have inquired about the process for installing disinfection treatment at local hospitals and other facilities that are not registered PWS but serve 25 or more persons, 60 or more days per year. Some hospitals may want to add chlorine dioxide or chloramine as a secondary disinfectant to their water supply to help to control pathogens such as *Legionella pneumophila*, *Stenotrophomonas maltophilia* and *Mycobacterium avium* complex.

**Chlorine dioxide has a maximum residual disinfectant level drinking water standard of 0.8 milligrams per liter and is regulated by MassDEP** due to the potential health risks associated with its use.

A hospital or a facility, serving 25 or more people 60 or more days a year, that is not a MassDEP registered PWS and treats the water entering the building with a secondary disinfectant (such as chlorine dioxide) is a consecutive PWS. These systems are regulated by MassDEP and are subject to federal and state drinking water standards. For more information see: <https://www.mass.gov/info-details/public-drinking-water-system-operations#consecutive-water-systems->

A hospital or facility, serving 25 or more people 60 or more days a year, that receives water from a MassDEP registered PWS but is planning to temporarily use chlorine dioxide for shock treatment, should contact MassDEP and review the information at: <https://www.mass.gov/service-details/protocol-for-chlorine-dioxide-shock-treatment-at-healthcare-facilities-on-a-public>.

For questions or more information on Legionella, contact the DWP at 617-292-5770 or [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov), Subject: Legionella. If you are aware of any facility that has introduced a disinfectant as a secondary treatment, or have any questions contact the DWP 617-292-5770 or [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov), Subject: Chlorine Dioxide.

### **Cyanobacteria & Cyanotoxins**

Cyanobacteria are photosynthetic bacteria that share similar characteristics of algae and are normally present in all types of waterbodies throughout Massachusetts, including PWS surface water sources. Like algae, cyanobacteria can multiply quickly in response to conditions that are favorable for their growth, resulting in “blooms.” Harmful algal blooms composed of cyanobacteria, called CyanoHABs, can contribute to taste and odor issues for PWS; but they also have the potential to produce cyanotoxins that can be harmful to people and animals.

Cyanobacteria, and the cyanotoxins they have the potential to produce, currently have no federal or Massachusetts regulations; however, on June 17, 2015, the US EPA released 10-day drinking water health advisory (HA) levels for two cyanotoxins – microcystins and cylindrospermopsin. HA levels are non-regulatory concentrations, at which adverse health effects are not anticipated to occur by oral ingestion of drinking water over specific exposure durations. EPA set lower HA levels for infants and children under the age of six due to sensitivity with consumption of water relative to body weight.

The following table shows the drinking water HA levels:

<b>US EPA DW Health Advisories</b>		
<b>Cyanotoxin</b>	<b>US EPA 10-day HA</b>	
	Bottle-fed infants and pre-school children	School-age children and adults
Microcystins	0.3 µg/L	1.6 µg/L
Cylindrospermopsin	0.7 µg/L	3 µg/L

In compliance with US EPA’s fourth round of the Unregulated Contaminant Monitoring Rule (UCMR4), PWS nationwide conducted assessment monitoring for ten cyanotoxins from 2018 through 2020. Data from the UCMR serves as a primary source of research information, which US EPA utilizes to develop regulatory decisions. As of April 2021, 2,936 cyanotoxin results have been submitted from a total of 113 Massachusetts PWS, and all results have indicated no detections.

For further information on US EPA’s UCMR4 please visit: <https://www.epa.gov/cyanoHabs/epa-drinking-water-health-advisories-cyanotoxins>.

It is also important to note that in December 2016, the EPA released draft criteria for cyanotoxins for the protection of recreational activities in freshwater systems, which recommended that values for primary contact recreation exposure should not exceed 4 parts per billion (ppb) for microcystins and 8 ppb for cylindrospermopsin. In September 2018, EPA continued stakeholder engagement by revising the draft recreational cyanotoxin criteria/swimming advisories in response to public comments and newly available data. In May 2019, EPA issued the final Recommended Recreational Ambient Water Quality Criteria or Swimming Advisories (AWQC/SA) for Microcystins and Cylindrospermopsin.

The recommended magnitude for the two cyanotoxins is in the below table, while duration and frequency are dependent on their application as AWQC or SA.

Ambient Water Quality Criteria or Swimming Advisories	
Microcystins	Cylindrospermopsin
8 µg/L	15 µg/L

For further information on EPA’s recreational criteria, visit: <https://www.epa.gov/wqc/recreational-water-quality-criteria-and-methods#rec3>.

MassDEP and other state agencies including MDPH, Department of Conservation and Recreation, and the Massachusetts Water Resources Authority recognize that this emerging contaminant warrants attention and coordination. As such, MassDEP is working closely with MDPH to establish communication and response protocols for reports of potential CyanoHABs in drinking water sources regulated by MassDEP, and recreational waterbodies under the jurisdiction of MDPH.

PWS should contact MassDEP to report any potential CyanoHAB issues in drinking water sources, while local BOH receiving reports of potential CyanoHABs should contact MDPH for assistance: <https://www.mass.gov/orgs/bureau-of-environmental-health>. For further information on the state’s response to cyanobacteria and cyanotoxins see: <https://www.mass.gov/guides/cyanobacterial-harmful-algal-blooms-cyanoHabs-water>. If you have any questions on this information, please contact DWP at 617-292-5770 or [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov), Subject: Cyanobacteria.

## PART IV: RECENT TOPICAL ISSUES

### **Well Completion Reports**

Under 310 CMR 46.03(3) of the *Well Driller Regulations*, well drillers must file a ‘Well Completion Report’ (WCR) within 30 days of completing a job and must provide a copy to the BOH. In addition to private drinking water wells, other types of wells (such as irrigation wells and monitoring wells) are also subject to the *Well Driller Regulations*. All wells, unless identified in 310 CMR 46.00, must be installed by a registered well driller and have a WCR.

The submittal of the WCR is integral to the well drilling process. In most communities, well drilling activity requires a local permit. This mechanism helps in ensuring that a WCR is filed for every well and



that municipal officials are kept informed of all well drilling activity in their community. For instance, if a drilling permit was issued and the BOH did not receive the WCR by the required due date; a site visit can be conducted to determine if the well had been installed. Likewise, local officials can follow up on reports that a well is being drilled without the required local permit. All communities that have existing or potential well drilling activity, should consider establishing a local permitting process.

Ensuring that every well drilled has a WCR associated with it and is on file is integral to the well drilling process. This is an area where the BOH can play an important role to assist the Well Driller Program. If it appears a well has been installed without a WCR being filed, BOHs should notify the DWP/Well Driller Program. With continued assistance from local BOH, compliance and enforcement of well drillers certifications and proper drilling protocols throughout the Commonwealth can be maintained.

If a BOH does not receive a WCR within the required 30 days, or receives a WCR with incorrect or missing information pertaining to the lat/long coordinates, address, well construction, well yield and driller information or other important data; MassDEP requests BOHs take one of the following actions:

- Issue Enforcement. BOHs may be able to issue enforcement through their regulations. Please send MassDEP a copy of the enforcement action to the email addresses below; or
- Notify the MassDEP Well Driller Program. If a BOH does not issue enforcement, please email MassDEP or contact the Drinking Water Program by phone describing the issue along with the supporting facts.

For questions about well drilling, WCRs, or to notify MassDEP of unauthorized well drilling, please email [program.director@mass.gov](mailto:program.director@mass.gov), Subject: Well Driller Program.

### **Statewide Well Location Project**

MassDEP is the primary water use data provider for Massachusetts and currently houses the *Well Driller Program* (WDP) within the Drinking Water Program. The WDP oversees the proper and safe drilling of wells and maintains a database of information provided by well drillers. As described above, for each well drilled in the Commonwealth, a WCR must be submitted to the Drinking Water Program along with the local BOH. Each WCR contains information pertaining to the well including location, depth, lithology, static water levels, yield, etc. This data is stored electronically in the *Well Driller Database* accessible through the EEA Data Portal at: <https://eeaonline.eea.state.ma.us/portal#!/search/welldrilling>.

Of the more than 190,000 wells in the *Well Driller Database*, approximately 50% are assumed accurately located to statewide parcel data. The remaining 50% of these wells are generally located to either a town, street, intersection, or have no location information associated with them. The Drinking Water Program received a grant from the USGS to properly locate as many wells as possible. The project will be completed by October 2022.

The main objectives of this project are to match as many of these unlocated wells to statewide parcel data and tie this information to their associated WCR. This will at the same time create a map viewer to the *Well Driller Database* that will associate well data points with WCRs through point and click technology. We will be notifying all BOHs when the project is completed and the map viewer is available. For questions or more information about this project, contact Bruce Bouck at [Bruce.Bouck@mass.gov](mailto:Bruce.Bouck@mass.gov).

## **Well Driller Requirements**

Under 310 CMR 46.02 of the *Well Driller Regulations*, persons engaged in the business of well drilling must be registered by MassDEP. If a non-registered well driller is performing the work, a registered well driller must be on site to observe critical aspects of the drilling process. To ensure that only authorized well drillers perform the drilling or are on site for observation, the BOH can require a copy of their 'Well Driller Certification' be shown prior to drilling and/or check the list of registered drillers on MassDEP's website at: <https://www.mass.gov/service-details/well-driller-certification>. For more information on registered well driller requirements see: <https://www.mass.gov/doc/brp-ws-38a-instructions-for-initial-well-driller-certification/download>.

## **Cross Connections**

Cross-connections are situations in the water distribution system that creates an actual or potential connection between a potable water supply and a system or fixture that carries non-potable substances (liquids, gases or solids). Cross connections are a concern when low pressure in the public water system can result in a reverse flow of non-potable substances back into the potable water system. This reverse of flow is caused by a back siphonage or backpressure:

- Back siphonage is backflow caused by a negative pressure (vacuum or partial vacuum) in the public water supply line or consumer's potable water lines (domestic lines).
- Backpressure is the reversal of normal flow in a system due to an increase in the downstream pressure above that of the supply pressure.

In accordance with 310 CMR 22.22(3): Public Water System Responsibilities "Every public water system shall be responsible for (a) Controlling cross connections to the last free flowing outlet of the consumer and for the safety of the public water system under its jurisdiction; (b) Having a cross connection control distribution system protection program plan (the "cross connection program plan") approved by the Department as specified at 310 CMR 22.22(3)(b) ..."

All PWSs are required to have an approved cross connection control program plan and to fully implement the approved plan, including conducting cross connection surveys of all non-residential facilities within its service area. If a cross connection is found it must be eliminated through the re-piping or properly protected with the installation of a backflow preventer device or assembly. PWSs are recommended to use other municipal departments and officials, such as plumbing inspectors, BOHs, building inspectors and fire departments, to assist in the implementation of an effective cross connection control plan.

Cross connections can exist in commercial, industrial and in residences. Even though 310 CMR 22.22 does not require residential surveys, local cross connection bylaws (or ordinances) may require some level of surveying or reporting cross connections. Typical residential cross connections include irrigation systems and fire suppression systems. Two classes of backflow preventers are used to prevent backflow, testable and non-testable. MassDEP recommends that only non-testable backflow preventers be installed in residential facilities, (unless the threat requires a testable device). All testable backflow preventers must be tested in accordance with the 310 CMR 22.22 frequency and in accordance with the water system's schedule. If a testable device is not needed it may be removed; if it remains it must be tested (see 310 CMR 22.22(3)(h)). This requirement applies to all installations of such devices or assemblies even if it was done without the proper approval from the local water authority. For more information contact [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov) Subject: Cross Connections.

## **Home Burials and Green Burials**

A 'home burial' means to bury a person on privately owned residential property that is not an approved cemetery. Home burials are not prohibited by state law, but the decedent's family must first obtain written approval from the local BOH and the local governing body.

A 'green burial' or natural burial is a method of final disposition of a body with fewer environmental impacts than traditional burial. Generally, a green burial means that the body is not embalmed, no metal or hard wood are used to make the casket, no gravel liner or vault are used, and a low-profile grave marker is used or no marker at all.

The potential for bacteria, viruses, and other microorganisms from human remains to reach groundwater and infect other people appears to be the greatest source of public health concern associated with green burials. Research indicates though microorganisms can remain viable and transportable for many years following a burial, they are eventually attenuated by soils and lose viability. However, the fact that these organisms can remain viable for some time highlights the importance of siting burials in hydro-geologically appropriate areas.

For more information: <https://www.mass.gov/info-details/information-for-local-boards-of-health-on-home-burials-and-green-burials> or contact [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov), Subject: Green Burials

## **Property Conversions that Create Public Water Systems**

If a facility is currently served by a private well, and proposes a change in the use of their establishment; it is important for the BOH to know if the proposed change will cause the facility to be classified as a PWS. Common examples of these include:

- A change in the type of permitted occupancy - For example, a residential home proposing to operate a daycare or doctor's office, or a gas station proposing to operate a coffee shop. If the proposed changes result in the facility providing water to 25 or more persons per day for at least 60 days a year, then the facility meets the definition of a PWS.
- A change in the number of the permitted occupants - For example, a daycare facility proposing to increase the number of children or staff to 25 or more persons per day for at least 60 days a year, meets the definition of a PWS. If a BOH is aware of a daycare facility that is not currently on their 'PWS Inventory List' (see Part I), the facility should be added to this list. If you have any questions, contact DWP at 617-292-5770 or [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov), Subject: Daycares. You may also contact the MA Department of Early Education and Care at <https://www.mass.gov/orgs/department-of-early-education-and-care>.

Proponents creating new or potential PWSs should be directed to contact MassDEP before local permits are issued. Ensuring that property owners contact MassDEP before they begin property conversion will benefit the property owner, and ensure all applicable MassDEP requirements for safe drinking water are met. Please note that if a proponent subsequently creates and operates a facility as a PWS prior to obtaining MassDEP approvals; the facility owner and operator may be subject to enforcement action, including monetary penalties. If you have a concern about a particular existing or proposed facility in your community, contact DWP at 617-292-5770 or [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov), Subject: PWS Property Conversion

## **PART V: MassDEP Drinking Water Program Initiatives**

### **MassDEP Assistance Program for Lead in School Drinking Water**

In 2016 and again in the 2017-2018 school years, the Commonwealth undertook this voluntary initiative to help public schools and EECF across the state test for *lead and copper* in drinking water, using \$2.75M in financial support from the Massachusetts Clean Water Trust. MassDEP and its partners administered this program that provides technical assistance and free laboratory analysis to participating schools. In the first year, about 800 schools from 153 municipalities signed up to receive assistance. Assistance has been provided to all participating schools, with samples taken from water bubblers and other fixtures used for drinking, food preparation, and medical care.

As schools found fixtures that exceed the recommended action level, schools have repaired, replaced or taken them off-line to address this exposure. As of May 2019, 991 schools, including 30 Early Education and Care Facilities (EECF), have been tested under the Assistance Program. Sampling results from this on-going program are available on EEA's Data Portal at: <http://eeaonline.eea.state.ma.us/portal#!/home>. For more information see <https://www.mass.gov/assistance-program-for-lead-in-school-drinking-water>.

In a continuing effort to ensure safe drinking water for children across the Commonwealth, the MassDEP 'Expanded Assistance Program for Free Sampling and Analysis at Schools and EECFs' will continue the Commonwealth's nation-leading program offering free lead testing and technical assistance to eligible public schools and public and private group childcare facilities. This program was funded through a Year 1-\$967,000 grant and Year 2- \$321,000 grant from the EPA will help eligible facilities implement effective testing programs, educate them about how to address elevated lead levels, and provide water quality information to the school community.

### **MassDEP Lead Contamination Control Act - Schools and EECF Program**

The Lead Contamination Control Act (LCCA) is a USEPA voluntary program for schools and EECF to identify and address lead in drinking water in schools and childcare facilities. MassDEP is committed to continued support for schools and early education and care programs to ensure safe drinking water. In light of EPA's Revised 3Ts Manual released on October 25, 2018, MassDEP's Drinking Water Program issued new guidance to school and childcare facilities on lead in drinking water, to align with updated federal EPA guidance. The guidance sets a goal that water from taps and fixtures used for drinking, food preparation, and medical uses contain no measurable levels of lead, replacing the existing action level for lead in school drinking water of 15 parts per billion. The action level for copper is 1.3 mg/L.

MassDEP and its LCCA Partners inform and educate school and childcare officials on how to identify, evaluate, and reduce or eliminate the sources of lead contamination affecting their facility's drinking water. MassDEP recommends that a school's or EECF's voluntary program should do the following:

- (1). Update the list/map of all of the taps and fixtures used for drinking water, to prepare food and/or beverages, and in nurses' offices. All other non-human consumption taps should be posted with "For hand washing only".
- (2). Use the MassDEP *LCCA Program Management Tool* (see Additional Resources below) to maintain and track the status of all identified sites. This tool was developed for schools to use to manage their sampling sites, analytical data, and remediation actions.

- (3). Develop and implement a *Sampling Plan* to sample the identified taps/fixtures at least once every three years after an initial baseline sampling of all identified fixtures. To balance cost and ensure that staff maintain their training on the sampling process, MassDEP recommends that 1/3 of the fixtures are sampled every year.
- (4). Use a Massachusetts' certified laboratory to analyze all samples and require the laboratory to provide all results to the school AND to the MassDEP via MassDEP's electronic reporting system, eDEP.
- (5). Remove from service all fixtures/taps that exceed the MassDEP copper action level. Remediate and retest all taps/fixtures to ascertain that they do not exceed the action level before returning them to service.
- (6). If lead sample results are above the laboratory's detection limit of 1 ppb; schools/EECF and early education and care programs should implement or continue remediation actions to reduce lead levels to the lowest possible concentration by prioritizing remediation actions based on the level of sample results and the vulnerability of the impacted populations.
- (7). Taps/fixtures should not be put back into service until lead sample results are consistently below 15 ppb. Remediation actions to achieve the lowest possible concentration should continue, taking into account the priority of the tap/.
- (8). Develop and implement a transparent user-friendly communication plan that provides timely notice to all student, staff, and parents about results and actions taken.
- (9). Add all remediation and other actions to the MassDEP LCCA Program Management Tool.

MassDEP has also improved its tools to assist schools with their voluntary lead programs. The improved tools include more user-friendly and more interactive materials that will provide a framework for any school to set up a program, see '*Set Up an LCCA Program at Your School*' at <https://www.mass.gov/assistance-program-for-lead-in-school-drinking-water>.

BOH are encouraged to work with their schools and EECF to help evaluate and provide technical assistance to correct lead in drinking water problems. Lead and copper results submitted through MassDEP's electronic data reporting system, eDEP, are available on the Energy & Environmental Affairs Data Portal at: <https://eeaonline.eea.state.ma.us/Portal/#!/home>.

For more information see the LCCA Frequently Asked Questions at: <https://www.mass.gov/files/documents/2017/01/sj/lccaqa.pdf> or contact [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov), Subject: LCCA.

## **PART VI: Drinking Water Information and Resources**

- (a). Previous BOH Notices: <https://www.mass.gov/lists/drinking-water-information-for-boards-of-health>
- (b). '*Managing Your TNC System*' guide: <https://www.mass.gov/info-details/public-drinking-water-system-operations#small-water-systems->
- (c). Training Videos on MassDEP's YouTube page. Drinking water topics include Manganese, Lead & Copper Rule, Lead in School Drinking Water, Chlorate Mitigation Control, Source Water Protection, Seasonal PWS Start Up, Revised Total Coliform Rule and more, see: [https://www.youtube.com/playlist?list=PLJn2AKOcYr7lutGJB-UfDKtQPF\\_o\\_249m](https://www.youtube.com/playlist?list=PLJn2AKOcYr7lutGJB-UfDKtQPF_o_249m)

- (d). Power Point presentation entitled ‘*Checking in On Your Source Water Protection Program*’. The presentation includes detailed notes to assist PWS in updating their local source protection programs or plans. Visit; <https://www.mass.gov/lists/drinking-water-supply-source-protection>.
- (e). Boil orders and other public health orders: <http://www.mass.gov/dep/water/drinking/boilordr.htm>
- (f). Certified Labs: <https://www.mass.gov/certified-laboratories>
- (g). Certified Well Drillers: <https://www.mass.gov/well-driller-program>
- (h). Cross Connections: ‘*Cross Connection Control Program Manual*’ <https://www.mass.gov/files/documents/2016/08/nl/cccpman.pdf>
- (i). Massachusetts Drinking Water Regulations, 310 CMR 22.00: <https://www.mass.gov/regulations/310-CMR-22-the-massachusetts-drinking-water-regulations>.
- (j). Lead and copper in school drinking water: <https://www.mass.gov/service-details/lead-and-copper-in-school-drinking-water-sampling-results>
- (k). Certified Operators: <https://www.mass.gov/service-details/certified-operator-directory>
- (l). Copper Rule (LCR), Lead Lines: <https://www.mass.gov/service-details/public-water-systems-90th-percentile-lead-sampling-results> and; <https://www.mass.gov/guides/is-there-lead-in-my-tap-water>
- (m). PWS contact information: <https://www.mass.gov/water-supplier-operations>
- (n). TNC Business Owner’s Guide: <https://www.mass.gov/files/documents/2016/08/qp/tncguide.pdf>
- (o). UIC: <https://www.mass.gov/underground-injection-control-uic#5>
- (p). Applying Aquatic Herbicides (Pesticides) to Drinking Water Reservoirs: <https://search.mass.gov/?q=applying%2520aquatic%2520herbacides%2520to%2520reservoirs&page=1> and <https://www.mass.gov/how-to/wm-04-herbicide-application>
- (q). Applying Copper Sulfate to Reservoirs: <https://www.regulations.gov/document?D=EPA-HQ-OW-2015-0499-0102>.
- (r). Cyanobacteria and Public Drinking Water Supplies: [https://www.mass.gov/doc/public-water-system-fact-sheet-cyanobacteria-and-public-drinking-water-supplies-in/download?\\_ga=2.174018720.281482040.1594723861-228910841.1593002529](https://www.mass.gov/doc/public-water-system-fact-sheet-cyanobacteria-and-public-drinking-water-supplies-in/download?_ga=2.174018720.281482040.1594723861-228910841.1593002529)
- (s). The Value of Drinking Water: <https://www.mass.gov/files/documents/2016/08/tc/water-valuesm.pdf> or contact [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov), also refer to the 2019 Annual BOH Notice.
- (t). Wind and Solar Energy Projects on Public Water Supply Lands: <https://www.mass.gov/service-details/drinking-water-policies-and-guidance> <https://www.mass.gov/service-details/drinking-water-policies-and-guidance>
- (u). Drinking Water at Local Fairs: <https://www.mass.gov/lists/drinking-water-information-for-boards-of-health>
- (v). Private Wells: Also refer to the 2019 Annual BOH Notice
- ‘*Private Well Guidelines*’ (August 2017): <https://www.mass.gov/private-wells>, and Private Well Template Forms for Use by Local Boards of Health: <https://www.mass.gov/lists/private-well-form-templates-for-use-by-local-boards-of-health>
  - ‘*Required Disclosure of Water Test Results*’: <https://www.mass.gov/files/documents/2016/08/qo/reqdiscl.pdf>
  - Radionuclides Sampling: <https://www.mass.gov/service-details/faqs-radionuclides>.
  - ‘*Standards and Guidelines for Contaminants in Massachusetts Drinking Waters*’: <https://www.mass.gov/guides/drinking-water-standards-and-guidelines>.
  - MassDEP ‘*Model BOH Private Well Regulation*’: <https://www.mass.gov/lists/drinking-water-information-for-boards-of-health>
  - List of MA Registered Drillers: <https://www.mass.gov/service-details/well-driller-certification>.

## **MassDEP Offices**

- Central Region: 508-792-7650  
8 New Bond St. Worcester, MA 01606  
<https://www.mass.gov/service-details/massdep-central-regional-office>
- Northeast Region: 978-694-3200  
205-B Lowell St., Wilmington, MA 01887  
<https://www.mass.gov/service-details/massdep-northeast-regional-office>
- Western Region: 413-784-1100  
436 Dwight St, Statehouse West 5<sup>th</sup> fl, Springfield, MA 01103  
<https://www.mass.gov/service-details/massdep-western-regional-office>
- Southeast Region: 508-946-2700  
20 Riverside Drive, Lakeville, MA 02347  
<https://www.mass.gov/service-details/massdep-southeast-regional-office>
- Boston Office: 617-292-5770  
1 Winter St., 5<sup>th</sup> fl. Boston MA 02108  
<https://www.mass.gov/topics/drinking-water>
- To contact MassDEP outside of regular business hours call 888-304-1133; To locate your MassDEP Office: <https://www.mass.gov/service-details/massdep-regional-offices-by-community>

**ATTACHMENT A** Board of Health *Official Email Address & Emergency Contact List*

**I. Instructions**

Please submit your BOH *Official Email Address & Emergency Contact List* to MassDEP at the address below. Your official email address should be the address where you wish to receive official MassDEP/DWP information e.g., copies of sanitary surveys, etc. Emergency contacts should be prioritized in the order that you want to be notified by MassDEP staff in case of an emergency. Contact #1 should contain the name and contact information of the BOH person that you want to have contacted first in an emergency; if Contact #1 cannot be reached we will attempt to contact the next person identified.

Please submit your *Official Email Address & Emergency Contact List* or any subsequent changes to MassDEP Drinking Water Program; 1 Winter Street - 5<sup>th</sup> floor; Boston, MA 02108; Attn: BOH Emergency Contact. **This form is also available at:** <https://www.mass.gov/doc/boards-of-health-official-email-address-and-emergency-contact-list/download>. You may also respond by email to [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov), Subject: BOH Official Email Address and Emergency Contact.

**II. Board Information**

City/Town: \_\_\_\_\_

Board Name: \_\_\_\_\_

Address 1: \_\_\_\_\_

Address 2: \_\_\_\_\_

City/Town: \_\_\_\_\_

State and Zip: \_\_\_\_\_

**II. Official BOH Email Address for Copies of Drinking Water Program Correspondence**

Email Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

**III. BOH Emergency Contacts**

1.	Name: _____	Title: _____
	Work Phone: _____	Evening or Cell Phone: _____
	Work Email: _____	Evening Email: _____
2.	Name: _____	Title: _____
	Work Phone: _____	Evening or Cell Phone: _____
	Work Email: _____	Evening Email: _____
3.	Name: _____	Title: _____
	Work Phone: _____	Evening or Cell Phone: _____
	Work Email: _____	Evening Email: _____
4.	Name: _____	Title: _____
	Work Phone: _____	Evening or Cell Phone: _____
	Work Email: _____	Evening Email: _____

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**ATTACHMENT B**

**MassDEP Drinking Water Program  
Recreational Camps Licensed by Local Boards of Health\***

**Determine if the camps in your municipality fit **B** or **C** and complete the information in *each*.  
Please print in black ink. Complete and return to MassDEP at the address below**

<b>A</b>	City/Town	Date
	Board of Health Contact Person	Phone
	Address	E-mail
<b>B</b>	<b>All camps in our municipality are served by a MassDEP registered public water system</b>	
	PWS Name	PWS ID
	PWS Name	PWS ID
	PWS Name	PWS ID

<b>C</b>	<b>Camps with their own source of water supply</b>		
	Camp #	Camp name:	Camp phone:
	Camp address:		Contact person phone:
	Camp owner's name:		Camp owner's address:
	Maximum number of campers:		Number of staff:
	Number of days camp is open:		Dates: from _____ to _____
	Number of days of pre-open training or startup time:		
	Number of days of post camp closing close-down time:		
Comments:			

<b>C</b>	Camp #	Camp name:	Camp phone:
	Camp location/address:		Contact person phone:
	Camp owner's name:		Camp owner's address:
	Maximum number of campers:		Number of staff:
	Number of days camp is open:		Dates: from _____ to _____
	Number of days of pre-open training or startup time:		
	Number of days of post camp closing close-down time:		
	Comments:		

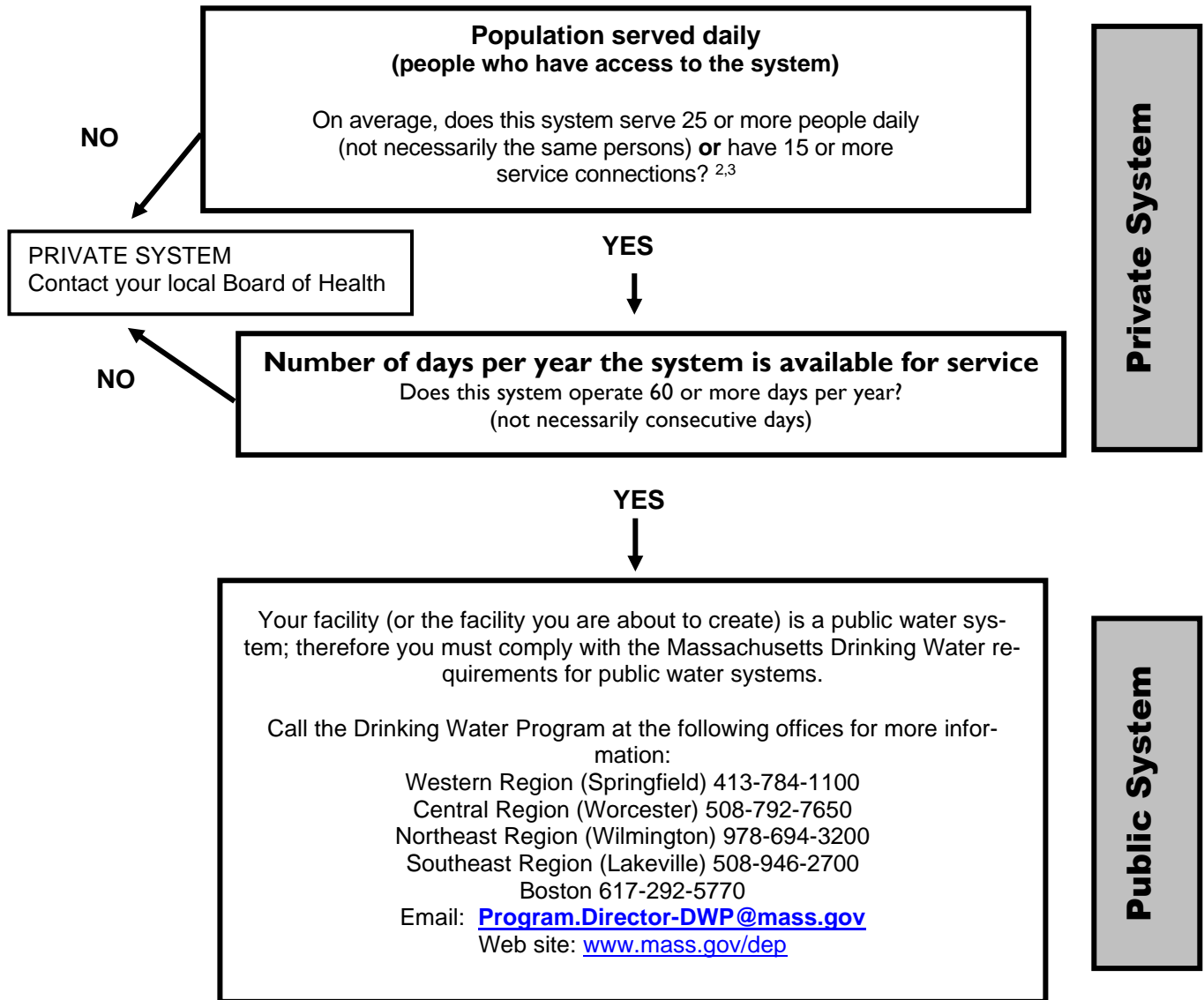
<b>C</b>	Camp #	Camp name:	Camp phone:
	Camp location/address:		Contact person phone:
	Camp owner's name:		Camp owner's address:
	Maximum number of campers:		Number of staff:
	Number of days camp is open:		Dates: from _____ to _____
	Number of days of pre-open training or startup time:		
	Number of days of post camp closing close-down time:		
	Comments:		

\* "Upon the issuance of a license, the local board of health shall notify the Massachusetts Department of Environmental Protection and the Massachusetts Department of Public Health. Said notification shall include the name and address of the camp, the name of the owner, the number of campers and staff, and the number of days per year that the camp will be in operation". 105 CMR 430.000

**This form is also available at:** <https://www.mass.gov/doc/recreational-camps-licensed-by-local-boards-of-health-0/download>.  
Return this form to: **MassDEP - Drinking Water Program – 5<sup>th</sup> floor; One Winter Street; Boston, MA 02108**; Attention: WQA/Campgrounds. You may also email your response to [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov), Subject: WQA/Campgrounds

**Is the Facility**  
(or the facility you are about to create)  
**a Private or Public Drinking Water System<sup>1</sup>?**

Follow this Flow-Chart to determine your type of drinking water system



<sup>1</sup> As defined by the MA Drinking Water Regulations 310 CMR 22.00 and the Federal Safe Drinking Water Act. Regulations can be found at: <https://www.mass.gov/regulations/310-CMR-22-the-massachusetts-drinking-water-regulations>.

<sup>2</sup> To determine a residential population: multiply # bedrooms (2) , or # service connections (1.67). Use the greater number.

<sup>3</sup> For more information see Policy 94-02 and Policy 88-11. Policies are located on MassDEP website at: <https://www.mass.gov/service-details/drinking-water-policies-and-guidance>.

**ATTACHMENT D**

**MassDEP Drinking Water Program**  
(excerpt - MA Drinking Water Regulations, 310 CMR 22.02)

**Definitions of Public Water Systems**

**Public Water System** means 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. Such term includes any collection, treatment, storage, and distribution facilities under control of the operator of such a system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control, which are used primarily in connection with such system.

The Department may presume that a system is a public water system as defined herein based on the average number of persons using a facility served by the system or on the number of bedrooms in a residential home or facility. The Department reserves the right to evaluate and determine whether two or more wells located on commonly owned property, that individually may serve less than 25 people, but collectively serve more than 25 people for more than 60 days of the year should not be regulated as a public water system, taking into account the risk to public health. A public water system includes a "community water system" or a "non-community water system".

(a) A Community Water System is a public water system that serves at least **15** service connections used by year-round residents or regularly serves at least **25** year-round residents.

(b) A Non-Community Water System is a public water system that is not a community water system:

1. **Non-Transient Non-Community Water System** or "NTNC" means a public water system that is not a community water system and has at least 15 service connections or regularly serves at least 25 of the same persons or more approximately 4 or more hours per day, 4 or more days per week, for more than 6 months or 180 days per year, such as a workplace providing water to its employees.

2. **Transient Non-Community Water System** or "TNC" means a public water system that is not a community water system or a non-transient non-community water system. It is a public water system that has at least 15 service connections or serves water to 25 different persons at least 60 days of the year. Some examples of these types of systems are restaurants, motels, campgrounds, parks, golf courses, ski areas, and community centers.