

# Monitoring Waivers Program

2023 - 2025 Compliance Period

Information Sheet  
Application Form Attached

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Nine-year Waiver Compliance Cycle 2020-2028		
1 <sup>st</sup> Period 2020-2022	<b>2<sup>nd</sup> Period</b> <b>2023-2025</b>	3 <sup>rd</sup> Period 2026-2028

The public water system (PWS) monitoring waiver application for the second compliance period (2023-2025) of the nine-year cycle is attached. MassDEP will retrieve most of the needed information about your sources electronically from state databases and from your application form. If you want to apply for monitoring waivers for your sources, please fill out the application completely and submit to MassDEP by January 15, 2023.

Send your waiver application in electronically to [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov), and use *PWSID#\_PWSName\_2023-25WaiverApp* in the subject line. Please scan your completed/signed application into a PDF format using the standard naming convention of *PWSID#\_PWSName\_2023-25WaiverApp*. Include any requested source protection documents at the end of the application.

Since MassDEP has recently moved into shared spaces at 100 Cambridge Street in Boston hardcopies of the waiver application cannot be accepted. In hardship cases you may call the Boston office for assistance 617-292-5770.

Waivers can be requested for each source for volatile organic compounds (VOC), synthetic organic compounds (SOC), inorganic compounds (IOC), and perchlorate. The source must have the required source protection measures in place, current treatment information, required monitoring laboratory reports<sup>1</sup> on file with MassDEP, and monitoring report results that do not exceed acceptable levels. Please note that if sources are manifolded then *all* the manifolded sources must meet waiver criteria in order to receive a waiver. Class B River sources are ineligible for monitoring waivers. Please read the four sections below for more detail.

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<sup>1</sup> 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.

## **Section 1: Volatile Organic Compounds (VOC)**

310 CMR 22.07B

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

In order to be eligible for a VOC waiver, the source must not have any historical VOC detects. There are two exceptions to this requirement: 1. The trihalomethane compounds: chloroform, bromoform, chlorodibromomethane, and bromodichloromethane are exempt; and, 2. Historically if only one VOC detection was found then it may be considered an anomaly and not impact VOC waiver eligibility.

The source must not be treated for VOCs and must have acceptable VOC monitoring reports in the MassDEP database for the 2020-2022 monitoring period:

- New sources must have their 4 consecutive quarters from the 2020-2022 compliance period.
- If a source had a waiver in the 2020-2022 period it would have been tested at least once in that three-year period. That report will be sufficient to attain a VOC waiver.
- If a source did not have a waiver in 2020-2022 it would have been tested annually and those three results will be accepted.

Source protection criteria must also be met: no threatening land uses within the Zone I, II and/or A, B, C or interim wellhead protection areas (IWPA) of the source and compliance with the minimum source protection requirements (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 Source Water Assessment and Protection (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 was issued.

## **Section 2: Synthetic Organic Compounds (SOC)**

310 CMR 22.07A

Every community and non-transient non-community source is required to initially sample SOCs for four consecutive quarters in each three-year compliance period. Sources that do not detect a contaminant during the initial compliance period can move to a reduced sampling frequency as follows:

- Systems serving greater than 3,300 people are reduced to two quarters in one year during each three-year compliance period.
- Systems serving 3,300 people or fewer are reduced to once every three-year compliance period.

Systems may then apply for an SOC waiver that would waive source sampling for the three-year compliance period. Successive renewals in that compliance cycle would not require any additional samples.

Existing systems that serve fewer than or equal to 3,300 persons must have a clean test in the 2020-2022 compliance period. Systems that serve more than 3,300 persons should have at least one clean test taken in the 2020-2022 compliance period, as some systems may have been waived for the second test.

In order to obtain an SOC waiver, your source must not be treated for SOC's.

Source protection criteria must also be met: no threatening land uses within the Zone I, II and/or A, B, C or IWPA of the source and compliance with the minimum source protection requirements (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 was issued.

#### SOC Notes:

1. There is a Massachusetts statewide waiver for ethylene dibromide (EDB) and dibromochloropropane (DBCP) for surface water sources only.
2. There is a Massachusetts statewide waiver for diquat, endosulfan, glyphosate, and dioxin. However, some surface water sources will be required to test for diquat if diquat has been used as an herbicide near their public drinking water sources.
3. Special note on glyphosate:

The Drinking Water Program (DWP) has determined that the statewide monitoring waiver for glyphosate (the active ingredient in Roundup® weed killer) will remain in place at this time. The original determination for the waiver, that glyphosate binds to soils and does not travel far from the site of application, has not been challenged.

Years of routine testing of PWSs in New Hampshire and Connecticut selective testing in Massachusetts has not identified contamination in drinking water sources.

However, due to the ubiquitous use of glyphosate for vegetation management, some emerging health concerns and heightened public concern, DWP will continue to assess this waiver to determine if any additional actions are appropriate in Massachusetts.

If your PWS is doing vegetation control you are reminded to use state-licensed applicators and to use good source water protection practices (see <https://www.mass.gov/pesticides-and-water-supply-protection>).

If your PWS conducts voluntarily tests for glyphosate, you are required to report the results to DWP. In addition, any detections of glyphosate must be reported in your Consumer Confidence Report. Our estimate of the cost of an analysis for glyphosate is less than \$100.00. MassDEP has certified several laboratories to test for glyphosate (see <https://eeaonline.eea.state.ma.us/DEP/Labcert/Labcert.aspx>). More information

about glyphosate is available at  
<https://www.mass.gov/files/documents/2016/08/xh/glyphosate-2011.pdf>.

### **Section 3: Inorganic Compounds (IOC)**

310 CMR 22.06

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

For sources applying for the first time:

In order to be eligible for an IOC waiver, the source must not be treated for IOC contaminants and must have three acceptable monitoring sample reports in the MassDEP database:

- Groundwater sources must have a sample collected in the 2020-2022 compliance period, plus one more from each of the two immediately preceding compliance periods.
- Surface water sources must have their annual IOC results from the past three years.

Source protection criteria must also be met: no threatening land uses within the Zone I, II and/or A, B, C or IWPA of the source and compliance with minimum source protection requirements (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 was issued.

IOC Notes:

1. Perchlorate waivers are handled separately from the regular IOC suite. See the next section for information on a perchlorate waiver.
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.

### **Section 4: Perchlorate Waiver**

310 CMR 22.06

Every community and non-transient non-community source is required to initially sample for perchlorate:

- Groundwater sources must be sampled once in April and once in September.
- Surface water sources must be sampled for four consecutive quarters.

Sources that do not detect a contaminant during this initial compliance period can move to reduced sampling of once annually in the third quarter.

Systems may apply for a perchlorate waiver for their sources. This waiver would reduce their sampling to one sample in every three-year compliance period. In order to obtain a perchlorate waiver, your source must not be treated for perchlorate and have the following acceptable monitoring reports in the MassDEP database collected during the 2020-2022 period:

- Sources that had a waiver in the 2020-22 period must have a least one MassDEP-accepted lab result from that compliance period.
- First time surface and groundwater sources: After the initial monitoring has been met, must have three MassDEP-accepted lab results.

Additional source protection requirements must also be met to be eligible for a perchlorate waiver. There can be no fireworks-display permits 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. Systems using sodium hypochlorite may have to certify best management practices are being used.

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## **How to Submit a Monitoring Waiver Application**

If you want to apply for monitoring waivers for your sources, please fill out the attached application completely, sign, and submit to MassDEP.

### **Electronic Submittal**

Send the waiver application in electronically to [Program.Director-DWP@mass.gov](mailto:Program.Director-DWP@mass.gov) and use *PWSID#\_PWSName\_2020-22WaiverApp* as the subject line. Please scan your completed/signed application into a PDF format using the standard naming convention of *PWSID#\_PWSName\_2020-22WaiverApp*. Include any requested source protection documents at the end of the application.

Since MassDEP has moved to shared office space at 100 Cambridge in Boston we cannot support hard copy submittals. If there is a hardship case, you may contact the program director at 617-292-5770 for assistance.

### **Deadline for Submission**

January 15, 2023.

### **Application Form Location**

The application form is attached and is also available on the web at:  
<https://www.mass.gov/lists/drinking-water-permits-forms-and-templates#monitoring-waiver-forms-> .

**Technical Assistance**

MassDEP shares your goal of providing safe water to all users and is available if you need technical assistance. MassDEP DWP Monitoring Waiver Contacts are:

Location	Name	Email Address
CERO	Paula Caron	<a href="mailto:Paula.Caron@mass.gov">Paula.Caron@mass.gov</a>
NERO	James Persky	<a href="mailto:James.Persky@mass.gov">James.Persky@mass.gov</a>
SERO	Katie Sousa	<a href="mailto:Kathryn.Sousa@mass.gov">Kathryn.Sousa@mass.gov</a>
WERO	Andrew Kelly	<a href="mailto:Andrew.Kelly@mass.gov">Andrew.Kelly@mass.gov</a>
Boston	Marie Tennant	<a href="mailto:Marie.Tennant@mass.gov">Marie.Tennant@mass.gov</a>

If you wish to be contacted by a technical assistance provider, please contact Michael Celona at [Michael.Celona@mass.gov](mailto:Michael.Celona@mass.gov).

You may also contact the DWP at [Program.Director-dwp@mass.gov](mailto:Program.Director-dwp@mass.gov) or 617-292-5770 with any questions or comments.