



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Central Regional Office • 8 New Bond Street, Worcester MA 01606 • 508-792-7650

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

Cherry Valley & Rochdale Water District
Attn: Water Commissioners
P.O. Box 138
Rochdale, MA 01542

Re: Town: Leicester
PWS Name: Cherry Valley/Rochdale Water District
UAO-CE-16-5F001
EMERGENCY DECLARATION
M.G.L. Chapter 21G and 310 CMR 36.00

Dear Water Commissioners:

Enclosed please find an executed copy of the Emergency Declaration. As stated in the executed document, you must comply with all requirements set forth in the Emergency Declaration. Please review Section III, Disposition and Order, for specific instructions.

If you have any questions about the contents of this document, please contact Robert A. Bostwick at 508-849-4036 or me at 508-767-2827.

Sincerely,

Marielle Stone
Deputy Regional Director
Bureau of Resource Protection

10/7/16
Date

cc: Leicester Board of Health, 3 Washburn Square, Leicester, MA 01524

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

In the matter of:

**Cherry Valley and Rochdale
Water District**

ENF: UAO-CE-16-5F001
PWS ID #: 2151001

EMERGENCY DECLARATION

I. THE PARTIES

1. The Massachusetts Department of Environmental Protection ("MassDEP") is a duly constituted agency of the Commonwealth of Massachusetts established pursuant to M.G.L. c. 21, § 7. MassDEP has its principal office located at One Winter Street, Boston, Massachusetts 02108, and its Central Regional Office at 8 New Bond Street, Worcester, Massachusetts.

2. The Cherry Valley and Rochdale Water District (the "District") is a water district established by Chapter 381 of the Acts of 1910 for the purpose of supplying water to the inhabitants of the Cherry Valley and Rochdale sections of the Town of Leicester. The District's principal place of business is at 148 Henshaw Street, Leicester, Massachusetts 01524. The District's mailing address for purposes of this Emergency Declaration is the District, P.O. Box 138, Rochdale, Massachusetts 01542.

II. STATEMENT OF FACTS AND LAW

3. The District operates a public water system (identification number 2151001) within the Town of Leicester and serves a population of approximately 3,300 persons. The District also serves approximately 150 customers in the Town of Oxford.

4. The District holds a Water Management Act (WMA) Registration Statement (2-10-151.01) and a WMA Permit (9P2-2-10-151.02) to withdraw water from two sources in the French River Basin: the Grindstone Well (2151001-01G) and Henshaw Pond (2151001-02G) at an annual average withdrawal rate of 0.27 million gallons per day (MGD). The District's reported raw water maximum daily withdrawal volumes from 2011 through 2015 ranged from 0.51 to 0.58 million gallons per day MGD.

5. On March 25, 2013, the District entered into an Administrative Consent Order (ACO-CE-13-5D003) with MassDEP to establish a readily available functional emergency interconnection with the Town of Leicester water system or to improve an existing emergency interconnection with the City of Worcester to address violations of Drinking Water Standards for the Disinfection By-Products Rule ("DBPR") and the Surface Water Treatment Rule. To date,

the District has not established a permanent interconnection with another public water system, although the District is negotiating with the City of Worcester to enter into a contract for a permanent water supply.

6. On July 9, 2015, the Massachusetts Water Resources Commission issued a Determination of Insignificance to the District pursuant to the Interbasin Transfer Act permitting the Respondent to purchase up to 0.60 MGD from the City of Worcester through the existing interconnection.
7. On July 8, 2016, the Secretary of Energy and Environmental Affairs declared a drought Watch for Central Massachusetts, which includes the Town of Leicester. The drought status was upgraded to a Warning status effective August 12, 2016.
8. On August 22, 2016, the District imposed mandatory water restrictions on all of its users banning all outdoor water use so as to conserve its diminishing water supply.
9. On September 28, 2016, the District notified MassDEP that it was taking steps to activate the emergency interconnection with the City of Worcester because the water level in its primary water source, Henshaw Pond, was at a critically low level.
10. The City of Worcester has the ability to purchase water directly from the Massachusetts Water Resources Authority ("MWRA") and is currently purchasing water to supplement its Quinapoxet Reservoir. As of October 7, 2016, MWRA's reservoirs were within normal levels.
11. On October 5, 2016, the District notified MassDEP that water in Henshaw Pond was substantially depleted.
12. On October 6, 2016, MassDEP conducted an inspection of the District's Henshaw Pond facility and confirmed that its sources were at critical levels to supply water to its customers. Water levels in Henshaw Pond were within ten (10) inches of the intake, substantially below the estimates provided by the District on September 28, 2016.
13. On October 6, 2016, MassDEP evaluated the District's alternatives and determined that there is no feasible interconnection other than the City of Worcester to provide an emergency supply of water to the District.
14. On October 6, 2016, the District petitioned MassDEP for a Declaration of State of Water Supply Emergency, pursuant to M.G.L. c. 21G, §§ 15 through 17 and 310 CMR 36.00, to address the lack of available supply in Henshaw Pond, which if unabated will result in the District's inability to supply water to its 3,300 customers within five (5) to seven (7) days.
15. Pursuant to M.G.L. c.21G, § 15, and the Water Management Regulations set out at 310 CMR 36.40(2), MassDEP may declare a state of water emergency if it finds that there exists or impends a water supply shortage of a dimension which endangers the public health, safety or

welfare. Further, in response to a petition for a Declaration of a State of Water Supply Emergency and pursuant to this statutory section, MassDEP may require the water supplier to submit for its review and approval a plan for restraining the use of water by whatever means it deems appropriate and feasible. The statute limits any Declaration of a State of Water Supply Emergency to no more than six months in the aggregate in any twelve month period, unless MassDEP determines that a longer state of emergency is required to protect the public health.

16. Pursuant to the Water Management Act, M.G.L. c. 21G, §§ 16 and 17, MassDEP may issue orders during a state of water emergency declared under M.G.L. c. 21G, § 15 to, among other things, establish priorities for the distribution of any water or quantity of water use, to permit any person engaged in the operation of a water supply system to cease the distribution of water, to distribute water to certain users as specified by MassDEP, to require the implementation of specific water conservation measures and to purchase water from another public water system.

III. DETERMINATION AND ORDER

17. For the reasons set forth above and pursuant to the Water Management Act, M.G.L. c. 21G, § 15, MassDEP hereby determines that a water supply emergency exists and that it endangers the public health, safety or welfare of the customers of the District. Unless extended by MassDEP, this Emergency Declaration shall remain in effect for six (6) months of the effective date of this Order.

18. By issuing this Emergency Declaration, MassDEP hereby grants the District authority to operate the existing emergency connection to the City of Worcester and to purchase water not to exceed a daily average volume of 0.27 mgd as permitted in its Water Management Act Permit.

19. The District's ban on non-essential outside water use shall remain in place for the duration of this Emergency Declaration. For purposes of this Emergency Declaration, the term "nonessential outside water use" is defined to include those uses that do not have health or safety impacts, are not required by regulation, and are not needed to meet the core functions of a business or other organization. The District shall also advise its customers to reduce indoor water usage. The District shall implement all necessary measures to enforce the water use ban, and shall report the measures taken to notify its customers of the water ban and to enforce the water ban within five days of the date of issuance of this Declaration and Order.

20. The District shall maintain records of any water pumped from all of its sources as required under the Regulations during the duration of this Declaration and shall provide those records to the Department on request. The combined volume purchased from the City of Worcester and withdrawn from the District's sources during the Emergency shall not exceed the total authorized withdrawal volumes authorized under the District's Water Management Act Withdrawal Permit.

21. The District shall comply with all terms and conditions of its Water Management Act Withdrawal Permits which remain unchanged by this Emergency Declaration.

22. As part of the activation of the interconnection, the District shall install and activate a booster pump at the site of the Henshaw Pond Water Treatment Plant no later than Tuesday, October 11, 2016 to fully serve the District service area with water supplied from the City of Worcester. Until activation of the booster pump, the District shall minimize withdrawals from its sources by providing water from its sources only to the Rochdale section of the District. Upon installation and activation of the booster pump, the District shall immediately cease all withdrawals from its Henshaw Pond and the Grindstone Well sources until authorized by MassDEP to reactivate.

23. Within 24 hours of booster pump installation and activation, the District shall conduct a full set of bacteriological sampling with chlorine residual measurements and water quality parameters (minimum to include pH, temperature, orthophosphate, and alkalinity) at all approved coliform sampling locations. Results shall be reported to MassDEP as soon as available but no more than 24 hours of receipt by the District.

24. This Declaration shall continue unless revoked by MassDEP. The Declaration will be revoked if MassDEP finds that:

a. The demand for water no longer exceeds available supply;

b. The public health, safety, or welfare is no longer endangered by an existing or impending water shortage in part or all of the area to which the state of water supply emergency applies; and

c. The District has demonstrated to MassDEP that each of the following has occurred:

1. The facts relied upon by MassDEP in its Declaration of a State of Water Supply Emergency have been altered or no longer exist;

2. The District has successfully implemented its plan for bringing about an end to the state of water supply emergency and plans for preventing similar occurrences have been developed; and

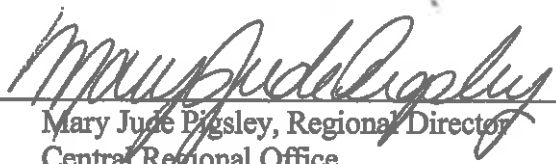
3. The District has complied with, or is taking action to comply with, all orders issued with MassDEP's Declaration of a State of Water Supply Emergency to the satisfaction of the Regional Director.

25. If the District fails to comply with the provisions of this Emergency Declaration and Order, MassDEP may assess a civil administrative penalty as provided in M.G.L. c. 21A, §16 and M.G.L. c. 21G, §14. MassDEP also reserves its rights to seek civil judicial penalties as provided in M.G.L. c. 21G, §14. Each day of continued violation shall constitute a separate

offense. In addition, MassDEP reserves its rights to request the Massachusetts Attorney General to bring an action in the Superior Court to compel compliance with this Declaration and Order.

Issued By:

MASSACHUSETTS OF ENVIRONMENTAL PROTECTION

By: 
Mary Jude Pigsley, Regional Director
Central Regional Office
8 New Bond Street
Worcester, Massachusetts 01606
Telephone (508) 792-7650

Date: 10/7/16