



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

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Karyn E. Polito
Lieutenant Governor

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Secretary

Martin Suuberg
Commissioner

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NOV 05 2018

BOARD OF SELECTMEN

Dunstable Board of Selectmen
Attn: Leah D. Basbanes, Chair
Dunstable Town Hall
511 Main Street
Dunstable, MA 01827

Re: Dunstable, PWS ID# 2081000
ACOP-CE-18-5D00004407-Amend1
ADMINISTRATIVE CONSENT ORDER
AND NOTICE OF NONCOMPLIANCE
with M.G.L. Chapter 111 §159 and 310 CMR 22.00

Dear Ms. Basbanes:

On August 23, 2018, the Massachusetts Department of Environmental Protection ("MassDEP") received a request from Dunstable to extend the deadlines for Paragraph 8.B. and 8.C. of the Administrative Consent Order with Penalty (ACOP-CE-18-5D00004407) (the "Consent Order") executed on June 19, 2018. On October 1, 2018, MassDEP received the items associated with Paragraph 8.A. of the Consent Order and after reviewing those submittals, it was determined that they failed to satisfy the requirements of Paragraph 8.A. of the Consent Order and needed to be re-submitted. Therefore, MassDEP has drafted the attached amendment with new compliance deadlines.

Enclosed are two copies of the First Amendment to ACOP-CE-18-5D00004407 for your review. Please sign and return both copies to my attention at MassDEP, Bureau of Water Resources, 8 New Bond Street, Worcester, MA 01606, within fourteen days of receipt of this ACOP. A fully executed original will then be sent to you.

We appreciate your cooperation in negotiating this agreement. Should you have any questions concerning the ACOP, please contact me at (508) 849-4036, as soon as possible.

Very truly yours,

Robert A. Bostwick
Drinking Water Section Chief
Bureau of Water Resources

10/31/2018

Date

Enclosure: ACOP-CE-18-5D00004407-Amend1
cc: Rebecca Tobin, Senior Regional Counsel, MassDEP OGC CERO

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

<hr style="border-top: 1px solid black;"/> <div style="display: flex; justify-content: space-between; border-bottom: 1px solid black; padding-bottom: 2px;"><div style="width: 45%;">IN THE MATTER OF:</div><div style="width: 5%; text-align: center;">)</div><div style="width: 50%;">RE: Enf Doc. No.: 00005493</div></div> <div style="display: flex; justify-content: space-between; padding-bottom: 2px;"><div style="width: 45%;"></div><div style="width: 5%; text-align: center;">)</div><div style="width: 50%;">Issuing Bureau: BWR</div></div> <div style="display: flex; justify-content: space-between; padding-bottom: 2px;"><div style="width: 45%;"></div><div style="width: 5%; text-align: center;">)</div><div style="width: 50%;">Issuing Region/Office: CERO</div></div> <div style="display: flex; justify-content: space-between; padding-bottom: 2px;"><div style="width: 45%;">Town of Dunstable</div><div style="width: 5%; text-align: center;">)</div><div style="width: 50%;">Issuing Program: DWP</div></div> <div style="display: flex; justify-content: space-between; padding-bottom: 2px;"><div style="width: 45%;"></div><div style="width: 5%; text-align: center;">)</div><div style="width: 50%;">Primary Program Cited: DWP</div></div> <div style="display: flex; justify-content: space-between; padding-bottom: 2px;"><div style="width: 45%;"></div><div style="width: 5%; text-align: center;">)</div><div style="width: 50%;">FMF/Program ID No.: 2081000</div></div>	
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**FIRST AMENDMENT TO ADMINISTRATIVE CONSENT ORDER
ACOP-CE-18-5D00004407**

On June 19, 2018, the Commonwealth of Massachusetts Department of Environmental Protection ("MassDEP") issued an Administrative Consent Order with Penalty, File No. ACOP-CE-18-5D000004407 (the "Consent Order") to the Town of Dunstable ("Respondent"). It became effective on June 19, 2018.

MassDEP hereby orders, and the Respondent agrees to, this First Amendment of the Consent Order as follows:

1. Paragraph 8.A. of the Consent Order is hereby amended by replacing said paragraph, in its entirety, with the following:

A. On or before December 1, 2018, Respondent shall submit:

1) Standard Operating Procedures (SOP) for review and approval outlining:

- a) Daily, weekly and monthly duties and tasks the operator performs to ensure that the hydropneumatic tanks are operating properly; and,
- b) Daily, weekly and monthly duties the operator performs to ensure the chemical feed system is optimized to maintain a pH of greater than or equal to 7.0 in the distribution system, including monitoring the distribution system for pH as required in the July 27, 2017 Sanitary Survey report.

2) Corrective Action Plan for review and approval that includes an evaluation of the existing chemical feed system, treatment objective(s), and identifies modifications needed to optimize corrosion control treatment performance, e.g., ensure that the pH is 7.0 or greater at the entry point.

- 3) The section of the Emergency Response Plan that outlines how the water system will be operated to ensure the delivery of a fit and pure supply of drinking water to all consumers if the hydropneumatic tanks were to become inoperable.

2. Paragraph 8.B. of the Consent Order is hereby amended by replacing said paragraph, in its entirety, with the following language:

- B. On or before December 14, 2018, Respondent shall submit an administratively and technically complete WS33 permit application and design for a 75,000 gallon elevated storage tank, and water main replacement along Pleasant Street for better hydraulic flow for the new tank. The permit application shall also include any modifications to the chemical feed system identified in the approved Corrective Action Plan, as specified in paragraph 8.A.2) above, to ensure a minimum pH of 7.0 at the entry point.

3. Paragraph 8.C. of the Consent Order is hereby amended by replacing said paragraph, in its entirety, with the following language:

- C. On or September 1, 2019, Respondent shall complete construction and activation of the modifications to the chemical feed system associated with the WS33 permit application.

4. Paragraph 8.D. of the Consent Order is hereby inserted with the following language:

- D. On or before July 1, 2020, Respondent shall complete the installation of the 75,000 gallon above ground storage tank, distribution piping modifications and the removal and demolition of the old hydropneumatic tanks.

5. This Amendment shall be incorporated into the Consent Order and is effective and enforceable pursuant to the terms of the Consent Order.

6. Except as explicitly revised by this Amendment, the terms and conditions of the Consent Order, including any previous amendments thereto, shall remain and continue in full force and effect.

7. This Amendment may be executed in multiple counterparts, each of which, when executed and delivered to the Department, shall be an original. All counterparts shall constitute one and the same instrument.

[No Further Text Appears on This Page]

8. This Amendment shall be deemed effective as of the date on which MassDEP signs this Amendment.

9. The undersigned represent that she/he has the authority to sign this Amendment and to legally bind the party on whose behalf such representative is signing.

Consented To:
TOWN OF DUNSTABLE

By: Leah D Basbanes
Leah D Basbanes, Chair of Board of Selectmen
511 Main Street
Dunstable, MA 01827

Date: 11/7/15

Federal Employer Identification No. (if applicable): _____

Issued By:
MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____
Mary Jude Pigsley, Regional Director
Central Regional Office
8 New Bond Street
Worcester, MA 01606

Date: _____