



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Northeast Regional Office • 150 Presidential Way Woburn, MA 01801 • 978-694-3200

Maura T. Healey
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Lieutenant Governor

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Secretary

Bonnie Heiple
Commissioner

July 18, 2023

Mark Favaloro
President and Registered Agent
Andrews Farm Water Company, Inc.
c/o/ 49 Mill Road
Boxford, MA 01921
via mark@markfavaloro.com

Re: Boxford

PWS: Andrews Farm Water Company
PWS ID # 3038020
ENF # 00015945
Issuing Bureau: BWR
Issuing Region/Office: NERO
Issuing Program: DWP

BOIL WATER ORDER

Dear Mr. Favaloro:

The Massachusetts Department of Environmental Protection (“MassDEP”) has determined that the water from your water system could pose an unacceptable risk to public health unless immediate action is taken. MassDEP, therefore, is issuing the enclosed Boil Water Order to you to address this public health risk.

Each requirement contained in this Order will remain in effect until terminated by MassDEP in writing. MassDEP will terminate one or more such requirements after you demonstrate that the principal incident or reason for issuance of this Order has been corrected and that such action is no longer necessary.

If you fail to take any action set forth in this Order by the prescribed deadline, or if you otherwise fail to comply with the requirements of this Order, you could be subject to legal action, as described in this Order.

Pursuant to M.G.L. c. 111, §160, MassDEP may issue such orders as it deems necessary to ensure the delivery of fit and pure drinking water to all consumers. MassDEP reserves its right to exercise this authority, if it determines that additional actions not required by this Order are necessary to ensure that the water provided to consumers is fit for human consumption.

If you have any questions about the contents of this Order, please contact Kristin Divris at (508) 887-0021.

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.
TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

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Andrews Farm Water Company
ENF # 00015945
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Very truly yours,



Eric S. Worrall
Regional Director

Attachments: Boil Water Order
Boil Order Consumer Information
Public Notice
Public Notice Certification Form
ER Report Form 1

ecc: Kendell Longo, Boxford Health Department, 7A Spofford Road, Boxford, MA. 01921 via klongo@town.boxford.ma.us
Douglas Conn, Andrews Farm Water Company, Inc., via AFWCboxford@aol.com
Matthew Coogan, Boxford Town Administration, via mcoogan@boxfordma.gov
MassDEP/DWP Boston via program.director-dwp@mass.gov
Steven Hughes, DPH, Community Health, 250 Washington Street, Boston, MA 02108 via Steven.Hughes@mass.gov
Nalina Narain, DPH, Bureau of Environmental Health Assessment, 250 Washington Street, Boston, MA 02108 via Nalina.Narain2@mass.gov
Patricia Kludt, DPH, Division of Epidemiology, Immunization and Communicable Diseases, 305 South Street, Jamaica Plain, MA 02130 via Patricia.Kludt@mass.gov
[Mark Favaloro, 36 Andrews Farm Rd., Boxford, MA 01921](mailto:Mark.Favaloro@markfavaloro.com)
[Mark Favaloro, Favaloro Law Offices, 295 Bendix Rd, Virginia, Virginia Beach 23452](mailto:Mark.Favaloro@markfavaloro.com)
[Mark Favaloro, via mark@markfavaloro.com](mailto:Mark.Favaloro@markfavaloro.com)

File Name: MassDEP BWR SharePoint\DWP Archive\NERO\Boxford-3038020-Enforce-UAO-Boil-2023-07-18

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

In the matter of:

Andrews Farm Water Company, Inc.

BOIL WATER ORDER
ENF # 00015945
PWS ID # 3038020
BOXFORD

I. THE PARTIES

1. The Massachusetts Department of Environmental Protection ("MassDEP" or the "Department") 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 100 Cambridge Street, Suite 900, Boston, Massachusetts 02114, and its Northeast Regional Office located at 150 Presidential Way, Suite 300, Woburn, Massachusetts 01801.
2. Andrews Farm Water Company, Inc. ("PWS") is a Supplier of Water, as defined in 310 CMR 22.02, and owns and operates a Community Water System, which is a type of Public Water System, as defined in 310 CMR 22.02, in Boxford, Massachusetts¹. The PWS' mailing address for purposes of this Boil Water Order is 49 Mill Road, Boxford, Massachusetts 01921.

II. STATEMENT OF FACTS AND LAW

3. MassDEP has primary enforcement responsibility for the requirements of the Federal Safe Drinking Water Act, 42 U.S.C. § 300f *et seq.* and the regulations promulgated thereunder by the United States Environmental Protection Agency ("EPA"), 40 CFR Part 141. MassDEP implements and enforces statutes and regulations of the Commonwealth of Massachusetts for the protection of the public drinking water supply, including, without limitation, M.G.L. c. 111, §5G and §160, and 310 CMR 22.00 ("the Massachusetts Drinking Water Regulations"). Pursuant to M.G.L. c. 111, §160, MassDEP may issue such orders as it deems necessary to ensure the delivery of fit and pure drinking water by public water systems to all consumers. Pursuant to M.G.L. c. 111, §5G, MassDEP may require the provision and operation of such treatment facilities as it deems necessary to ensure the delivery of a safe water supply to all

¹ A Supplier of Water is considered: (i) a Community Water System if it has 15 or more service connections used by year-round residents and/or regularly serves 25 or more year-round residents; (ii) a Non-transient Non-community water system if it has 15 or more service connections and/or regularly serves 25 or more of the same persons approximately four or more hours per day, four or more days per week, more than six months or 180 days per year; or (iii) a Transient Non-community Water System if it has 15 or more service connections and/or serves water to 25 or more different persons at least 60 days of the year.

consumers. Pursuant to M.G.L. c. 111, §2C, MassDEP may issue such orders to any person in violation of any law or regulation MassDEP is authorized to enforce.

4. The Massachusetts Drinking Water Regulations apply to all Public Water Systems in the Commonwealth. The regulations define a “Public Water System” as 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. Public Water Systems include: (1) any collection, treatment, storage, and distribution facilities under control of the operator of such systems and used primarily in connection with such systems; and (2) any collection or pretreatment storage facilities not under such control that are used primarily in connection with such systems. *See* 310 CMR 22.02.
5. The following facts have led MassDEP to issue this Order:
 - A. The Massachusetts Drinking Water Regulations at 310 CMR 22.19 establishes a minimum distribution system requirement for Public Water Systems, as follows:

In order to protect the distribution system of a public water system from contamination the following requirements shall be applied:

 - (1) All service connections shall have a minimum residual water pressure at street level of at least 20 pounds per square inch (psi) under all design conditions of flow
 - B. On July 16, 2023, at approximately 1:30 PM, MassDEP was notified that consumers of the PWS water system had been experiencing a loss of water supply since approximately 12:30 PM. The Town of Boxford police and fire departments and a certified water supply operator for the Town of Topsfield, reported to the Andrews Farm neighborhood and PWS’s pump house and confirmed that more than 50% of the customers had lost water pressure.
 - C. Because the PWS lacked sufficient residential water pressure at the street level, the PWS is in noncompliance with 310 CMR 22.19(1). The incident caused a significant disruption to the water system that affected more than fifty percent (50%) of the system and, thus, constitutes an Emergency as defined by 310 CMR 22.02² and further described as a Level III Emergency in the MassDEP Guidelines and Policies for Public Water Systems, Appendix O - Handbook for Water Supply Emergencies³.

² 310 CMR 22.02 defines an “emergency” as any situation or event, natural or man-made, which causes or threatens to cause damage to a water supply system that could disrupt normal water supply functions. An Emergency may affect a portion of the system or the entire system. In an Emergency, a water supplier must take immediate action to assess the situation or event and may need to take immediate action to protect public health.

³ See https://www.mass.gov/doc/guidelines-for-public-water-systems-appendix-o-handbook-for-water-supply-emergencies-0/download?_ga=2.220340433.834556746.1689684793-1762578055.1646664996

- D. A loss of pressure in a distribution system constitutes a public health risk.
- E. On July 16, 2023, at approximately 4:00 PM, MassDEP was notified by the Town of Boxford that the PWS Director, Douglas Conn, was on-site to connect an emergency generator to the pump station and that water was being pumped into the system.
- F. MassDEP notified the PWS and Town of Boxford officials on July 16, 2023, at approximately 4:30 PM that this Order would be forthcoming.
- G. At approximately 6:30 PM on July 16, 2023 MassDEP was notified by the Town of Boxford that power had been restored to the PWS by National Grid.
- G. On July 17, 2023 at approximately 8:00 AM, MassDEP was notified that the system was again without water. National Grid went back out and fully replaced a relay switch to restore power.
- H. As of the time of issuance of this Boil Water Order, it is MassDEP's understanding that the system is now operating again.

III. DISPOSITION AND ORDER

For the reasons stated above, MassDEP hereby Orders the PWS to take the following actions pursuant to M.G.L. c. 111, §§5G and 160. This Order shall be binding on the PWS and on its successors, heirs, and assigns. The PWS shall not violate this Order, and shall not allow or suffer its employees, agents, or contractors to violate this Order. Pursuant to M.G.L. c. 21A, § 16 and 310 CMR 5.00, MassDEP hereby determines that the deadlines set forth below constitute reasonable time for coming into compliance with the provisions cited above.

6. **The PWS is hereby ORDERED to take the following actions:**

- A. **PROVIDE NOTIFICATION AND INFORMATION TO THE PUBLIC.** As soon as practical but **no later than twenty-four (24) hours** after MassDEP notified the PWS of the terms of this Order, which occurred on July 16, 2023, at 4:30 PM, the PWS shall notify all consumers of the Andrews Farm public water system to boil their tap water for at least one minute before drinking or using for purposes of human consumption, such as cooking, ice-making, dishwashing, and maintaining oral hygiene (e.g., teeth brushing), until further notice. In addition, the PWS' notice shall instruct consumers to discard any ice, juice, formula, and uncooked foods that were prepared with water from the PWS' distribution system on or after July 16, 2023. The PWS may instruct consumers to use bottled water or water from a MassDEP-approved alternative source of supply in lieu of boiling. In addition, if the PWS sells or otherwise provides drinking water to other public water systems (i.e., to consecutive systems), then the PWS shall provide notice to the owner/operator of the consecutive system. The notification required by this paragraph

shall conform to the requirements for Tier 1 Public Notice in 310 CMR 22.16(2)(a), (b) and (c) and 310 CMR 22.16(5).

- B. **PROVIDE NOTIFICATION AND INFORMATION TO LOCAL OFFICIALS.** As soon as possible but **no later than 24 hours** after MassDEP notified the PWS of the terms of this Order which occurred on July 16, 2023, at 4:30 PM, the PWS shall notify the chief municipal officer(s), local board(s) of health, and other emergency personnel, as appropriate, in the PWS' service area of the contamination and the planned response. The notification required by this paragraph shall conform to the requirements for Emergency Reporting in 310 CMR 22.15(9).
- C. **IMPLEMENT EMERGENCY RESPONSE PLAN.** The PWS shall immediately begin to implement the PWS' Emergency Response Plan in accordance with 310 CMR 22.04(13).
- D. **CONDUCT MONITORING FOR TOTAL COLIFORM AND *E. COLI* ANALYSIS.** As soon as practical but no later than twenty-four (24) hours after issuance of this Order, the PWS shall collect samples for total coliform and *E. coli* analysis, which includes sampling at 36 Andrews Farm Road (water storage & pump building at sample sink, sample code # PT-02), at 1 Andrews Farm Road (sample code # RS-01), at 2 Andrews Farm Road (sample code # UR-1a), and at 8 Andrews Farm Road (sample code # DR-1b), in accordance with 310 CMR 22.03(2). Such samples shall be analyzed in accordance with 310 CMR 22.05(6), provided, however, that method SM 9222B with m-Endo agar shall not be utilized for such repeat monitoring. Samples shall be analyzed using an approved MassDEP presence-absence method for total coliform with results available no later 24 hours after start of analysis. Such sampling shall continue daily until MassDEP determines that the principal incident or reason for the violation has been corrected and the water no longer poses a risk to health or as otherwise directed by MassDEP. If the PWS is using its emergency interconnection with Topsfield during this time, then the PWS shall measure and record the free chlorine residual at each sampling location. In addition to reporting the results to MassDEP via eDEP or by mailed copy, the PWS shall direct the laboratory it engages to analyze the samples to immediately notify Kristin Divris and Melissa Balcourt at MassDEP of the analytical results by electronic mail at Kristin.Divris@mass.gov and Melissa.Balcourt@mass.gov at the same time that it provides the results to the PWS, and the PWS shall immediately notify MassDEP after learning of the analytical results from the laboratory.
- E. **SUBMIT AN EMERGENCY RESPONSE REPORT.** The PWS shall complete and submit an Emergency Response Report (ER Report - Form 1) to MassDEP **within thirty (30) days** of the date of the Order, in accordance with 310 CMR 22.15(9)(c).
- F. **SUBMIT PUBLIC NOTICE CERTIFICATION.** The PWS shall submit to MassDEP and the local Board of Health a certification, in accordance with 310 CMR 22.15(3)(b), that it has fully complied with the public notification regulations **within ten (10) days** of completing the public notification requirements under 310 CMR 22.16. The PWS shall

include with this certification a representative copy of each type of notice distributed, published, posted, and made available to the persons served by PWS and to the media.

Except as otherwise specifically provided for herein, all notices, submittals, and other communications to MassDEP required by this Order shall be directed to:

Kristin Divris
MassDEP Drinking Water Program
150 Presidential Way, Suite 300
Woburn, MA 01801
Tel: (508) 887-0021
E-Mail: Kristin.Divris@mass.gov

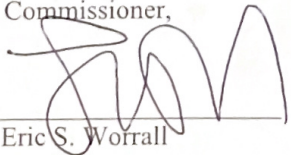
7. The PWS is advised that, if it fails to comply with this Order, M.G.L. c. 111, § 160 provides for fines and civil penalties of up to \$25,000 and by imprisonment for up to one year for each day during which each violation covered by this Order continues or is repeated. The PWS is further advised that if it fails to comply with this Order, M.G.L. c. 21A, § 16 provides for civil administrative penalties of up to \$25,000, plus the economic benefit realized for such noncompliance.

IV. APPEAL RIGHTS AND TIME LIMITS

8. Pursuant to M.G.L. c. 111, §§147 and 163, whoever is aggrieved by this Order may, within three (3) days after service of the Order, give written notice of appeal to MassDEP and file a petition for a jury in the superior court in the county where the premises affected are located, and, after notice to MassDEP, may have a trial in the same manner as other civil cases are tried by jury. If by mistake of law or fact or by accident such person fails within said three (3) days to apply for a jury, and if it appears to the court that such failure was caused by such mistake or accident, and that such person has not, since the service of the Order, violated it, such person may apply for a jury within thirty (30) days of such service. Pursuant to M.G.L. c. 111, §163, any such aggrieved person must comply with this Order while the appeal is pending, unless otherwise authorized in writing by MassDEP.

Massachusetts Department of Environmental Protection
For the Commissioner,

By: _____


Eric S. Worrall
Regional Director

Date: _____

7/18/23