



Massachusetts Department of Environmental Protection  
Bureau of Water Resources – Drinking Water Program  
**DISINFECTION BYPRODUCTS RULE (DBPR) VIOLATION  
NOTICE OF NONCOMPLIANCE (NON)**

**With Violation Response/Compliance Schedule Approval (CSA) Form**

M.G.L. c. 21A, § 16, 310 CMR 5.00

Attention: Public Water Supplier

**A General Information**

Housatonic Water Works Company  
80 Maple Ave Ste 1  
Great Barrington, MA 01230

**CITY/TOWN:** Great Barrington  
**PWS ID #** 1113003  
**CLASS:** COM  
**ENF DOC#:** 00015564

**B Location Where Noncompliance Occurred**

Housatonic Water Works Company  
80 Maple Ave Ste 1  
Great Barrington, MA 01230

**C Description of Violations under M.G.L. c. 111, §§159-160 and 310 CMR 22.00**

The Department of Environmental Protection (MassDEP) Drinking Water Program has determined that you are in violation of the Disinfection Byproducts Rule for the following checked contaminant(s) and monitoring period(s):

| Contaminant   | Monitoring Period(s)  |
|---|---|
| Disinfection Byproducts - Haloacetic Acids 5 (HAA5) | 4 <sup>th</sup> Quarter 2022<br>1 <sup>st</sup> and 2 <sup>nd</sup> Quarters 2023 |

Below is a description of the regulation(s) you have violated.

**DISINFECTION BYPRODUCTS - MAXIMUM CONTAMINANT LEVEL**

Your public water system violated the maximum contaminant level (MCL) specified in 310 CMR 22.07E(1) and 310 CMR 22.07F(7)(d) for the disinfection byproduct(s) and monitoring period(s) listed in the Section C table above.

**REPEAT VIOLATOR**

MassDEP records show that your system has committed two or more Disinfection Byproducts Rule violations within the last 12 months. The Capacity Development provisions of the Safe Drinking Water Act (SDWA) Section 1420 (b)(1) requires that “each State shall prepare, periodically update, and submit to the Administrator a list of community water systems and non-transient, non-community water systems that have a history of significant noncompliance.” MassDEP considers two or more violations of the same regulation within the last 12 months to constitute a history of significant noncompliance.

**D Action to Be Taken, and the Deadline for Taking Such Action**

By **September 4, 2023**, submit to MassDEP for its review and approval a written proposal setting forth how and when you propose to come into compliance with the requirements cited in Section C of this NON, by **completing and submitting the attached Disinfection Byproducts Rule Violation Response/Compliance Schedule Approval Form (“compliance plan”)** and conducting all required public notice. To return to compliance, you must implement the

**compliance plan**, including the schedule for completing the activities proposed, as approved by MassDEP. If you are a repeat violator, the compliance plan must include a plan to prevent future noncompliance. If you determine that you need additional time to complete and submit the compliance plan, you may request an extension **before** the submission deadline by contacting Douglas Paine at (413) 755-2281 or by email at Douglas.Paine@mass.gov.

**E** ***Important Information***

If you, the Supplier of Water, fail to take any action MassDEP now wants you to take by the prescribed deadline, or if you otherwise fail to remain in compliance in the future with the applicable requirements, you could be subject to legal action, including, but not limited to, criminal prosecution, court-imposed civil penalties, or civil administrative penalties assessed by MassDEP. A civil administrative penalty may be assessed for every day from now on that you are in noncompliance with the requirements specified above. MassDEP reserves its right to exercise the full extent of its legal authority to obtain compliance with all applicable requirements.

Additionally, to avoid being placed on EPA's list of public water systems with unaddressed violations, and not on a path to compliance, it is essential to completely respond to all MassDEP enforcement actions, including Notices of Noncompliance and Compliance Schedule Approval (NONCSA). Failure to promptly comply with the NONCSA process will result in the underlying violations shown as federal and state 'unaddressed' violations.

**Date: September 4, 2023**



**Douglas Paine - Acting Section Chief  
Drinking Water Program  
MassDEP Bureau of Water Resources  
Western Regional Office**

Enclosure: CSA

cc: Boston OE, Boston DWP  
BOH  
Certified Operator  
DEP-WERO: J. Gibbs, H. Pokharel

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