

**BY-LAWS TO REGULATE THE NOMINATION
AND ELECTION OF OFFICERS OF THE DISTRICT**

- i The purpose of the By-Laws hereinafter set forth are to regulate the nomination and election of officers for the District so that the voters of the District may have knowledge of the candidate prior to an election.
- ii All elections to any office in the District shall be by means of a printed ballot. This ballot shall be caused to be printed by the Commissioners acting as election officers from information furnished to them by the Clerk of the District as provided hereinafter.
- iii No person's name shall be printed on the ballot unless the person or someone on the person's behalf has submitted nomination papers signed by fifty registered voters of the District, setting forth the office for which the person is a candidate and containing a statement signed by the candidate that the person will accept the office, if elected. Nomination papers of a candidate for office of the District shall be filed with the Clerk of the District in accordance with Chapter 53, Section 10 of the General Laws. Submission to the Registrar of Voters shall be in accordance with Chapter 41, Section 115 of the General laws.
- iv Nothing herein shall be construed as preventing a vote by sticker or writing in the name of a candidate, all as provided in the General Laws, except that no such sticker or write-in candidate shall be deemed to be elected unless the person has received valid votes equivalent to 1% of the total of the number of registered voters in the District, as hereinafter determined.
- v The Commissioners, acting as election officers, shall prepare as of twenty (20) days prior to the Annual Election, a list of eligible voters from the official voting list of the Town of Acton as of that time. This list will remain closed until after the Annual Meeting of the District. The list will then be reviewed and revised for all subsequent Special Meetings, up to the day of the Special Meeting. These lists will then be used to determine the right of any person to vote at any election or any meeting of the District.
- vi All candidates elected to offices in the District will be sworn to the performance of their duties by the Clerk of the District, except in the case of the Clerk, who will be sworn by any of the Commissioners. The Clerk will record the facts in the minutes of the meeting.
- vii Elections and nominations of District officers will be conducted in accordance with Chapters 52 through 56 of the General Laws, inclusive, so far as applicable, except as otherwise provided in Sections 114 through 117 of Chapter 41 of the General Laws, inclusive, and except as otherwise provided by the District By-Laws.

BY-LAWS

As (adopted and amended to March 20, 2024)

- i. The Annual Meeting of the Water Supply District of Acton will be held on the third Wednesday of March, of each year for the transaction of the necessary business connected with the District, and Election of Officers will be held on the date of the Town of Acton's Annual Town Election. The time and place of holding such election and vote shall be stated in the warrant for the Annual Meeting and such election and vote shall be deemed part of the Annual District Meeting.
- ii. All meetings may be called by a majority of the Board of Water Commissioners, directed to the Clerk, or as specified in Chapter 326 of the Acts of 1912, Section 8.
- iii. All warrants shall be posted at least fourteen (14) days before the time of the meeting.
- iv. The Clerk will preside at each meeting until a Moderator is chosen.
- v. At each Annual Election Day there will be elected by ballot, one Commissioner for a term of three years, a Clerk and a Moderator who will serve for one year.
- vi. If a vacancy should occur for any cause in the office of Clerk, Treasurer, or any other officer of the District except the Board of Water Commissioners, it may be filled for any such unexpired term by the Water Commissioners.
- vii. The Board of Commissioners will annually in the report of the District, give an estimated budget for the ensuing year.
- viii. a. The Moderator will appoint a Finance Committee to advise the Commissioners. The Committee will consist of three voters of the District and will initially be appointed in the following manner:

One member will be appointed for one year;
One member will be appointed for two years; and
One member will be appointed for a term of three years.

Thereafter, each appointment will be for a term of three years.
- b. No member of the Finance Committee may serve any other standing committee of the District or the Town of Acton having to do with expenditure of funds.
- c. The Finance Committee will review the budget for the Annual Meeting and will make recommendations to the Commissioners on any matters of a financial nature arising out of an Annual or Special Meeting, and will make recommendations as to the long range fiscal plans of the District.
- ix. The Commissioners will appoint annually a Treasurer/Collector, which office will have all the powers and duties conferred by law upon a Collector of Taxes and District Treasurer.
- x. Any person violating any order restricting water use imposed by vote of the Commissioners will be fined not more than \$200.00 for each offense, which will inure to the District for such uses as the Commissioners may direct. Fines will be recovered by indictment or on a complaint before a District Court, or by non-criminal disposition in accordance with section Twenty-one D of Chapter 40 of the General Laws. Every day that such violation continues will constitute a separate offense.
- xi. a. A five-member Water-Land Management Advisory Committee is hereby established. Two members shall be appointed by the Commissioners for a term of three years, two members shall be appointed by the Moderator of the District for a term of two years, one member shall be appointed by the Town of Acton Select Board for a term of one year. Thereafter, each appointment will be for a term of three years.

- b. The Advisory Committee will review and make recommendations to the Commissioners on matters relating to water and land management policies of the District, and will make recommendations to the Commissioners on any matter relating to agreement authorized under the By-Law titled “Regulate the Removal and Sale of Sand and Gravel from Lands in District Use,” and will undertake such other tasks related to water and land management as the Commissioners deem appropriate.
- xii No person will turn on or tamper with a water main or hydrant or other device used for water supply or install a bypass around a water meter or otherwise tamper with a water meter without first procuring a written permit to do so from the Manager of the District. Any person violating said section will be fined not more than \$1,000.00 for each offense or as otherwise provided in Section 11 of Chapter 165 of the General Laws, which will inure to the District for such uses as the Commissioners may direct. Fines will be recovered by the indictment, on complaint before the District Court, or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the General Laws. Every day that such violation continues will constitute a separate offense. This section will not curtail the fire department or District in the normal course of providing fire protection or water supply.
- xiii
- a. No person will maintain upon premises which they own or occupy, a physical cross connection between distribution system of a public water supply, the water which is being used for drinking, domestic, or culinary purposes, and the distribution system of any unapproved water supply, unless the installation has been reviewed and approved by the District and permits have been issued in accordance with the Drinking Water Regulations of the Department of Environmental Protection.
 - b. The District will have the authority to terminate any water source to any facility where cross connections are maintained without required backflow prevention devices which have been approved by the District.
 - c. The Commissioners will enact such Cross Connection Control Program and Regulations as are necessary to protect the public potable water supply served by the District from the possibility of contamination or pollution by isolating within its customer’s internal distribution system such contaminants or pollutants which could backflow or back-siphon into the public water system; to promote the elimination or control of existing cross connections between its customers; to implant potable water system, and non-potable water system; and to provide for maintenance of a continuing program of cross connection control which will effectively prevent the contamination or pollution of all potable water systems by cross connection.
- xiv The District authorizes the Commissioners to establish quarterly due dates for payment of water charges and bills, and authorizes the Commissioners to fix a rate of interest which accrues if such charges or bills remain unpaid after such due dates, provided, however, such rate of interest may not exceed the rate of interest which may be charged on tax bills under the provision of Section 57 of Chapter 59 of the General Laws, as amended.

xv **Outdoor Water Use Bylaw**

Section 1: Authority

This by-law is adopted by the District under its authority and power pursuant to Chapter 326 of the Acts of 1912, as amended, to protect public health and welfare while supplying water to the users of the public water supply system. This by-law also implements the District’s authority under M.G.L. c. 40, §41A, conditioned upon a declaration of water supply emergency issued by the Department of Environmental Protection under M.G.L. c. 21G, §15-17. This by-law is also intended to implement other water conservation requirements of M.G.L. c. 21G, the “Massachusetts Water Management Act” and its regulations promulgated at 310 CMR 36.00.

Section 2: Purpose

The purpose of this by-law is to protect, preserve and maintain the public health, safety, and welfare whenever there is in force a “State of Water Supply Conservation” or a “State of Water Supply Emergency” by ensuring an adequate supply of water for drinking and fire protection. This purpose will be accomplished by providing for the imposition and enforcement of any duly implemented restrictions,

requirements, provisions or conditions on water use imposed by the District in accordance with this by-law and/or by the Department of Environmental Protection under its state law authorities.

Section 3: Applicability

All users of the District's public water supply system shall be subject to this by-law. This by-law shall be in effect year-round.

Section 4: Definitions

Agriculture shall mean farming in all its branches as defined at M.G.L. c. 128, § 1A.

Automatic irrigation system, including sprinklers, shall mean any system for watering vegetation other than a hand-held hose controlled by a nozzle or a bucket.

Nonessential outdoor water use shall mean those uses that are not required:

1. for health or safety reasons;
2. by regulation;
3. for the production of food and fiber;
4. for the maintenance of livestock; or
5. to meet the core functions of a business.

Nonessential outdoor water uses that are subject to mandatory restrictions include:

- irrigation of lawns via sprinklers or automatic irrigation systems;
- filling of swimming pools
- washing of vehicles, except in a commercial car wash or as necessary for operator safety or to prevent damage and/or maintain performance of agricultural or construction vehicles or equipment; and
- washing of exterior building surfaces, parking lots, driveways or sidewalks, except as necessary to apply surface treatments such as paint, preservatives, stucco, pavement or cement.

Exceptions to nonessential outdoor water uses are:

- irrigation of lawns, gardens, flowers and ornamental plantings by means of a bucket or hand-held hose controlled by a nozzle;
- irrigation with harvested and stored stormwater runoff; and
- irrigation with a private well or other privately owned water source.

Other outdoor water uses are subject to review and approval by the District, through its Board of Water Commissioners or their designee.

Person shall mean any individual, corporation, trust, partnership, association, agency or authority, or other entity and any officer, employee, group or agent of such persons.

State of Water Supply Conservation shall mean a State of Water Supply Conservation declared by the District pursuant to Section 5 of this by-law.

State of Water Supply Emergency shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G.L. c.21G, §15-17.

Water Customers shall mean all persons supplied by the District irrespective of that person's responsibility for payment for use of the water.

Section 5: Declaration of a State of Water Supply Conservation

The District, through its Board of Water Commissioners or their designee authorized to act as such:

- a) may declare a State of Water Supply Conservation upon a determination that conservation measures are appropriate to ensure an adequate supply of water for drinking and fire protection; and
- b) shall declare a State of Water Supply Conservation as necessary to ensure compliance with the Water Management Act.

Upon notification to the public that a State of Water Supply Conservation has been declared, no water customer shall violate any provision, restriction, requirement or condition of the declaration. The Water Commissioners may designate the District Manager to declare a State of Water Supply Conservation at any

time that conditions warrant. Public notice of a State of Water Conservation shall be given under Section 8 of this by-law before it may be enforced. The applicable restrictions, conditions or requirements shall be included in the public notice.

Section 6: Declaration of a State of Water Supply Emergency

Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no water customer shall violate any provision, restriction, requirement, or condition of any order approved or issued by the Department for the purpose of bringing about an end to the State of Water Supply Emergency. Public notice of a State of Water Supply Emergency shall be given under Section 8 of this by-law before it may be enforced. The applicable restrictions, conditions or requirements shall be included in the public notice.

Section 7: Restricted Water Uses

A declaration of a State of Water Supply Conservation and/or a State of Water Supply Emergency shall include one or more of the following restrictions, conditions, or requirements limiting nonessential outdoor water use by water customers as necessary to control the volume of water pumped each day, except as provided as acceptable in Section 4. The applicable restrictions, conditions or requirements shall be included in the public notice required under Section 8.

- a) Nonessential outdoor water use days: Nonessential outdoor water use is permitted only on the days per week specified in the State of Water Supply Conservation or State of Water Supply Emergency and public notice thereof. During a State of Water Supply Conservation, nonessential outdoor water use is restricted as necessary to ensure compliance with the Water Management Act and/or to ensure water demand does not exceed the limit of the District's available supply.
- b) Nonessential outdoor water use hours: Nonessential outdoor water use is permitted only during the hourly periods specified in the State of Water Supply Conservation or State of Water Supply Emergency and public notice thereof. At a minimum, nonessential outdoor water use is prohibited during the hours from 7AM to 7PM.
- c) Nonessential outdoor water use method restriction: Nonessential outdoor water use is restricted to a bucket or hand-held hose controlled by a nozzle.
- d) Nonessential outdoor water use ban: Nonessential outdoor water use is prohibited at all times.
- e) Automatic irrigation systems, including sprinklers: The use of automatic irrigation systems is restricted during a State of Water Supply Conservation and prohibited during a State of Water Supply Emergency.

Section 8: Public Notification and Notification of DEP

- a) Public Notification of a State of Water Supply Conservation: Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by the District as part of a State of Water Supply Conservation shall be made as soon as possible, but no later than 48 hours following the declaration of a State Water Supply Conservation by publication on the District's website and social media platform(s). Notification may also include mail, email, customer portal updates, bill messaging, signage on major roadways or intersections, public service announcements on local media, reverse 911 calls or other such means reasonably calculated to reach and inform all water customers.
- b) Public Notification of a State of Water Supply Emergency: Notice to the public of all provisions, including all restrictions, requirements and conditions imposed by a State of Water Supply Emergency declared by the Department shall be made as soon as possible, but not later than 48 hours after the public water system receives notice of the Department's declaration of a State of Water Supply Emergency, by publication on the District's website and social media platform(s). Notification may also include mail, email, customer portal updates, bill messaging, signage on major roadways or intersections, public service announcements on local media, reverse 911 calls or other such means reasonably calculated to reach and inform all water customers of the State of Water Supply Emergency.
- c) Time of Effect: Any restriction imposed pursuant to Section 5 or Section 6 or in the Department's State of Water Supply Emergency or Order shall not be effective until notification to the public is provided.

- d) Notification to DEP: Submittal of the Department of Environmental Protection’s form “Notification of Water Use Restriction” shall be provided to the Department of Environmental Protection within 14 days following the effective date of the restrictions, per Department of Environmental Protection regulations (310 CMR 22.15(8)).

Section 9: Termination of a State of Water Supply Conservation; Notice

A State of Water Supply Conservation may be terminated by a majority vote of the Board of Water Commissioners or by decision of their designee upon a determination by either or both of them that the conditions requiring the State of Water Supply Conservation no longer exist, or in accordance with the Water Management Act permit conditions. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner as is required in Section 8a for notice of its imposition.

Section 10: Termination of a State of Water Supply Emergency; Notice

Upon notification to the District that the declaration of a State of Water Supply Emergency has been terminated by the Department of Environmental Protection, the public will be notified of the termination in the same manner as is required in Section 8b for notice of its imposition.

Section 11: Penalties

The District through its Board of Water Commissioners or their designee including the District Manager, environmental compliance staff and/or local police may enforce this by-law. Any person violating this by-law shall be liable to the District in the amount of up to \$200 per offense.

Each day of violation shall constitute a separate offense. Fines shall be recovered by complaint before the District Court, or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the General Laws. For purposes of non-criminal disposition, the enforcing person shall be any police officer of the Town of Acton or the District Manager or the District Manager’s designee. If a State of Water Supply Emergency has been declared the Water Commissioners may, in accordance with M.G.L. c. 40, s. 41A, authorize District staff to shut off the water at the meter or the curb stop.

Section 12: Right of Entry

Agents of enforcement authority may enter any property, except the interior of a domicile, for the purpose of inspecting or investigating any violation of this by-law or enforcing against the same.

Section 13: Severability

The invalidity of any portion or provision of this by-law shall not invalidate any other portion or provision thereof.

xvi By-Law to Regulate Automatic Irrigation Systems

- a. No person shall install, repair, replace, or alter a permanent automatic irrigation system connected to the public water supply except as provided by this By-Law.
- b. Applications to the District for the installation and use of a permanent automatic irrigation system will be signed by the owner(s) of the premises where it is desired, or by a duly authorized agent, and will be made in writing. The application will contain such information as shall be prescribed by the Commissioners.
- c. The Commissioners will make such rules and regulations relating to the installation, repair, maintenance, replacement or alteration of permanent automatic irrigation systems. These rules and regulations may specifically prohibit the installation of same, or may regulate such maintenance replacement or alteration; and may provide for design criteria including but not limited to, rain sensors, automatic timing devices or controllers, back-flow prevention devices, shut-off devices, soil moisture-sensing devices and the like, and will include fees to be paid to the District by the applicant or owner.
- d. The Commissioners will have the authority and the duty to adopt, issue and administer rules and regulations, for the administration and operation of permanent automatic irrigation systems connected to the public water supply.
- e. No permit granted prior to the effective date of this By-Law will be deemed invalid because of having

been granted either by the Board of Health of the Town of Acton, or the District Manager, or both; provided, however, it will be the responsibility of the owner(s) to produce written evidence of the same. Any permanent automatic irrigation system legally installed prior to the effective date of this By-Law which becomes defective or requires replacement or repair will be subject to this By-Law and the rules and regulations adopted by the Commissioners from time to time.

- f. If the Commissioners find that any provision of this By-Law is being violated, the Commissioners or their designee will notify in writing the person(s) deemed responsible for such violation, indicating the nature of the violation, and ordering the necessary action(s) to correct it.
- g. Any person violating this By-Law will be fined not more than \$200.00 for each offense, which will inure to the District for such uses as the Commissioners may direct. Fines will be recovered by indictment or on complaint before the District Court or by noncriminal disposition in accordance with 21D of Chapter 40 of the General Laws. Every day that such violation continues will constitute a separate offense. This section will not curtail the Town of Acton's Board of Health or Plumbing Inspector from seeking enforcement under other applicable provisions of law.
- h. The provisions of this By-Law, as amended from time to time, are separable. If any provisions of the By-Law or any amendment thereto, is held invalid, the other provisions of the By-Law will not be affected thereby. If the applicant of such provision, or any amendments thereto, is held invalid the applications of such provision to other person and circumstance will be affected thereby.

xvii Addition to By-Laws

The owner of property supplied will be charged for all water furnished to the premises during ownership of the premises. When ownership changes, the name and mailing address of the new owner will be given to the Treasurer/Collector of the District, at once, so that bills may be properly rendered.

The property owner must keep the water meter on the premises easily accessible for reading at all times, and will not tamper with the meter in any way. Each ownership must be separately served and metered so that each water user can be denied water service without disrupting service to other owners.

All new construction will require separate service lines and meters unless otherwise approved in writing by the District Manager or their designee.

xviii By-Law to Reduce the Local Daily and Seasonal Peak Water Use.

Section One: Purpose

The purpose of this By-Law is to implement a number of water efficiency and conservation measures and by so doing provide reductions in overall demand within the District's service area. The goal is to achieve maximum water efficiency by the public water system as well as domestic and non-domestic water users. The overall objectives are:

- a. To make water conservation a priority in all water-related decision making at the local level.
- b. To reduce or eliminate the waste of water through appropriate water supply management practices.
- c. To promote conservation of water resources by all consumers through the introduction of technology, programs, methods and procedures designed to increase the efficient use of water.
- d. To encourage innovations in technology, policy and management.
- e. To maximize the efficient use of existing supplies prior to allocating additional resources.
- f. To promote public awareness of the long-term economic and environmental benefits of conserving water by implementing practical measures within the District's service area.
- g. To monitor consumption and facilitate accurate annual billing of users and collection of water rates.

Section Two: Penalties

Any person or entity that violates this By-Law, or order or notification, will be liable to the District in the amount of \$200.00 which will inure to the District for such use as the Commissioners may direct. Fines will be recovered by indictment or upon complaint before the District Court or by non-criminal disposition in accordance with Section 21D of Chapter 40 of the General Laws as amended. Each separate instance of non-compliance following issuance of a warning or citation pursuant to this section will constitute a separate violation.

Section Three: Permanent Orders of the Commissioners

Unless discontinued, or modified, in whole or in part, the following orders will be considered in effect as of March 20, 2024:

- a. Outside use of water will be restricted between May 1st and October 1st each year on such terms as the Commissioners may determine.
- b. All final water bills requested by owners, purchasers, or others, serviced by the District's authorized personnel will require an inside meter reading by authorized District personnel.

Section Four: Right of Entry

Except as provided in Section 3(b), agents of the enforcement authority may enter any property, except the interior of a domicile, for the purpose of inspecting or investigating any violation of the By-Law or enforcing against the same.

Section Five: Severability

The invalidity of any portion or provision of the By-Law will not invalidate any other portion, provision or section thereof.

xix. Regulate the Removal and Sale of Sand and Gravel from Lands in District Use

Section 1. The purpose of this By-Law is to regulate the removal of sand and gravel on lands owned or leased by the District so as to promote safe and sound economic development, improvement and management of said land; and protect and preserve the purity of the water supply, wells and aquifers.

Section 2. The Commissioners will fix a reasonable time for a public hearing on any proposal for removal and sale of sand and gravel from land in District use. Notice of the public hearing will be given at least two weeks prior to the hearing in a local newspaper, and by mailing a copy of said notice to the owners of all property within five hundred (500) feet of the property line of the District land as they appear on the most recent applicable tax list. Included in the list of owners shall be abutters, owners of land directly opposite on any public or private street, and abutters to abutters within the five hundred (500) feet aforesaid.

The public hearing will be held no later than 21 days prior to the business meeting of the District which includes an appropriate warrant article for action by voters of the District. Action by voters of the District on any article permitting the Commissioners to enter into a written contract for removal and/or sale of earth materials from lands of the District shall require a two-thirds vote. At the public hearing the Commissioners will present evidence of the need for excavation, a site-specific map of wetlands, limits of 100-year flood plain, vegetation, surface topography (before and after), property lines and adjacent land uses, and estimation of high water table on the land.

Section 3. In entering into a written contract not to exceed one year, the Commissioners will impose conditions and specifications including but not limited to the following:

- a. A detailed plan showing limits and phases of excavation.
- b. Specific and reasonable hours of operation, including truck arrival and departure.
- c. Required stockpiling of topsoil for use in restoration.
- d. Prohibition of excavation within 10 feet of the annual high water table.

- e. Prohibition of removal within 100 feet of property lines and existing public ways.
- f. Limitation of work fences to 10 vertical feet and requirement that all fences will be broken down to their natural angle of repose at the end of each working day. Any existing non-complying fences will be reduced as fast as safety and practical engineering permit.
- g. Maintenance of natural vegetation on undisturbed land for screening and noise reduction purposes, and provision for dust suppression on the site.
- h. A requirement that restoration be carried on simultaneously with excavation, so that when any three acres operation area has been excavated, at least two acres will be restored before work commences on the next contiguous three acres, so that at no time, will any more than four acres be unrestored.
- i. Provisions to grade slopes safely, loam and re-vegetate all disturbed areas.
- j. Removal of debris, stumps, boulders, etc. from the site and dispose of in an approved location or in the case of inorganic matter, buried and covered with at least two feet of soil.
- k. A requirement that all retained subsoil and topsoil be spread over the disturbed area and seeded. Trees or shrubs of prescribed species will be planted to provide screening and reduce erosion during the establishment period.
- l. A requirement that final restoration work be completed within 60 days, weather permitting, after completion of excavation operations.
- m. A requirement of posting of surety bond, performance and payment bond, or other adequate security to insure compliance with terms of the contract.
- n. Regular inspection by the Commissioners or their agent at reasonable hour to ensure that contract provisions are being adhered to, and provision for halting operation for any violation.
- o. Other appropriate conditions, limitations and safeguards as the Commissioners deem necessary for the protection of the public health, safety, convenience, and welfare, and for protection and preservation of the purity of the water.

**Regulations for the
Control of Backflow and Cross-Connections
Water Supply District of Acton
May 11, 1998**

SECTION 1. CROSS-CONNECTION CONTROL AUTHORITY

As provided in the Federal Safe Drinking Water Act of 1974 (Public Law 93-523); and under the provisions of Massachusetts General Laws, Chapter 41, Section 69B; Massachusetts Drinking Water, Regulations, 310 C.M.R., Section 22.22; and Section 13, of the By-Laws of the Water Supply District of Acton, the water purveyor, has the primary control and responsibility for preventing water from unapproved sources, or any substances, from entering the public potable water system. The said Water Supply District of Protection, "As Corrected", is acting as the Department's designee as provided in 310 C.M.R., Section 22.22.

SECTION 2. CROSS-CONNECTION CONTROL - GENERAL POLICY

- 2.1 Purpose The purpose of this regulation is:
- 2.1.1 To protect the public potable water supply of the area served by the Water Supply District of Acton (hereinafter referred to as Water Supply District) from the possibility of contamination or pollution by isolating within its customer's internal distribution system(s) or its customers private water system(s) such contaminants or pollutants which could backflow or back-siphon into the public water supply system; and
 - 2.1.2 To promote the elimination or control of existing cross-connections, actual or potential, between its customers in-plant potable water system(s) and nonpotable systems, plumbing fixtures and industrial piping systems; and
 - 2.1.3 To provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems by cross-connection.
- 2.2 Responsibility The Manager of the Water Supply District of Acton (hereinafter referred to as District Manager) will be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If, in the judgment of said District Manager an approved backflow prevention device is required, at the District's water service connection to any customers premises, for the safety of the water system, the District Manager or his designated agent will give notice in writing to said customer to install such an approved backflow prevention device at each service connection to his premises. The customer will, within 30 days, install such approved device or devices at his own expense, and failure, refusal or inability on the part of the customer to install said device or devices within 30 days constitutes grounds for discontinuing water service to the premises until such device or devices have been properly installed.

SECTION 3. DEFINITIONS

- 3.1 District Manager The District Manager, or his designated agent, in charge of Water District is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this ordinance.
- 3.2 Approved Accepted by the District Manager as meeting an applicable specification stated or cited in this regulation, or as suitable for the proposed use.
- 3.3 Auxiliary Water Supply Any water supply on or available to the premises other than the purveyor's approved public potable water supply.
- 3.4 Backflow The flow of water or other liquids, mixtures, or substances under pressure into the distributing pipes of a potable water supply system from any source or sources other than its intended

source.

3.5 Back-siphonage The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply system from any source other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

3.6 Backflow Preventer A device or means designed to prevent backflow siphonage.

3.6.1 Air-Gap The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood rim of said vessel. An approved air-gap shall be as required by Water District standards.

3.6.2 Reduced Pressure Principle Device An assembly of two independently operating approved check valves with an automatically operating differential relief valve between the two check valves, tightly closing shut-off valves on either side of the check valves, plus properly located test cocks for the testing of the check and relief valves.

3.6.3 Double Check Valve Assembly An assembly of two independently operating approved check valves with tightly closing shut-off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.

3.6.4 Pressure Vacuum Breaker A device containing one or two independently loaded check valves and an independently operating loaded air inlet valve located on the discharge side of the check or checks.

3.7 Contamination Means an impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates an actual hazard to the public health through poisoning or other serious health effects or otherwise be hazardous to the health and safety, or through the spread of disease.

3.8 Cross-Connection Any physical connection or arrangement of piping or fixtures between two otherwise separate piping systems one of which contains potable water and the other non-potable water, or industrial fluids of questionable safety, through which, or because of which, backflow or back-siphonage may occur into the potable water system.

3.9 Cross-Connections - Controlled A connection between a potable water system and a non-potable water system with an approved backflow prevention device properly installed that will continuously afford the protection commensurate with the degree of hazard.

3.10 Cross-Connection Control by Containment The installation of any approved backflow prevention device at the water service connection to any customers premises, or the installation of an approved backflow prevention device on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross-connections which cannot be effectively eliminated or controlled at the point of cross-connection.

3.11 Hazard, Degree of The term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

3.11.1 Hazard - Health (High Hazard) Any condition, device, or practice in the water supply system and its operation which could create, or, in the judgment of the Water District Manager, may create a danger to the health and well-being of the water consumer.

3.11.2 Hazard - Plumbing (High Hazard) A plumbing type cross-connection in a consumers potable water system that has not been properly protected by a vacuum breaker, air-gap separation or backflow prevention device. Unprotected plumbing type cross-connections are considered to be a health hazard.

3.11.3 Hazard - Pollution (Low Hazard) An actual or potential threat to physical properties of the water system or to the potability of the public or the consumer's potable water system, but which would constitute a nuisance or be aesthetically objectionable, or could

cause damage to the system or its appurtenances, but would not be dangerous to health.

- 3.12 Industrial Fluids System Any system containing a fluid or solution which may be chemically biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional or plumbing hazard if introduced into an approved water supply.
- 3.13 Pollution Means the presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such waters for domestic use.
- 3.14 Water - Potable Water from a source which has been approved by the Massachusetts Water Supply and Pollution Control Commission for human consumption.
- 3.15 Water - Non-Potable Water which is not safe for human consumption, or which is of questionable potability.
- 3.16 Water - Service Connections The terminal end of a service connection from the public potable water system; i.e., where the water purveyor loses jurisdiction and sanitary control over the water at its point of delivery to the customers water system. If a meter is installed at the end of the service connection, then the service connection will mean the downstream end of the water. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public potable water system.
- 3.17 Water - Used Any water supplied by a water purveyor from a public potable water system to a consumer's water system after it has passed through the point of delivery, and is no longer under the sanitary control of the water purveyor.

SECTION 4. REQUIREMENTS

4.1 Water System

- 4.1.1 The water system will be considered as made up of two parts; the utility system and the customer system.
- 4.1.2 Utility system shall consist of the source facilities and the distribution system; and will include all those facilities of the water system under the complete control of the utility, up to the point where the customer's system begins.
- 4.1.3 The source will include all components of the facilities utilized in the production treatment, storage, and delivery of water to the distribution system.
- 4.1.4 The distribution system will include the network of conduits used for the delivery of water from the source to the customers system.
- 4.1.5 The customers system will include those parts of the distribution system which provide domestic drinking water to all internal areas of the customer's facilities. The customers system begins at the end of the Water District's distribution providing potable water.

4.2 Policy

- 4.2.1 No water service connection to any premises will be installed or maintained by the Water District unless the water supply is protected as required by Massachusetts State Law, and this regulation. Service of water to any premises will be discontinued by the Water District if a backflow prevention device required by this regulation is not installed, tested and maintained, or if it is found that a backflow prevention device has been removed, by-passed, or if an unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.

- 4.2.2 The customer's system should be open for inspection at all reasonable times to authorized representatives of the Water District to determine whether cross-connections or other structural or sanitary hazards, including violations of this regulation exist. When such a condition becomes known, the District Manager shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with state and local statutes relating to plumbing and water supplies and the regulations adopted pursuant thereto. All expenses relating to the disconnection and reconnection will be at the customer's expense.
- 4.2.3 An approved backflow prevention device where required in accordance with Section 2.2 above, will be installed on each service line to a customer's water system at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line wherever the following conditions exist:
- 4.2.3a. In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the Water District or Department of Environmental Protection, or the Acton Board of Health, the public water system will be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard.
- 4.2.3b. In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system will be protected against backflow from the premises by installing a backflow prevention device in the service line appropriate to the degree of hazard.
- 4.2.3c. In the case of premises having (1) internal cross-connection that cannot be permanently corrected and controlled or (2) intricate plumbing and piping arrangements, or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system will be protected against backflow from the premises by installing a backflow device in the service line.
- 4.2.4 The type of protective device required under subsections 4.23A, B, C will depend upon the degree of hazard which exists as follows:
- 4.2.4a. In the case of any premises where there is an auxiliary water supply as stated in subsection 4.23A of this section; or
- 4.2.4b. Where there is any material dangerous to health which is handled in a fashion as to create an actual or potential hazard to the water system; or
- 4.2.4c. Where there are "uncontrolled" cross-connections, either actual or potential, the public water system will be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device at the service connector.
- 4.2.4d. In the case of any premises where there is water or substance that would be objectionable but not hazardous to health, if introduced into the public water system, the public water system will be protected by an approved double check valve assembly.
- 4.2.4e. In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete implant cross-connection survey, the public water system will be protected against backflow or back-siphonage from the premises by the installation of a back-flow prevention device in the service line. In this case, maximum protection will be required; that is, an approved air-gap separation or an approved reduced pressure principle backflow prevention device will be installed in each service to the premises.
- 4.2.5 Any backflow prevention device required herein will be of a mode and size approved by the District Manager. The term "approved backflow prevention device" will mean a device that is on

the "approved list of backflow preventers and double check valves" as described in the Drinking Water Regulations of Mass., (310 C.M.R., 22.22) Department of Environmental Protection, as the same may be amended from time to time. Said approval lists have been adopted by the District Manager.

- 4.2.6 It will be the duty of the customer-user at any premise where backflow prevention devices are installed to have certified inspections and operational tests made at least once per year as required under Mass. regulations and this regulation. The Water District will conduct testing on these devices twice a year. The owner of the device will be charged for these tests. The Water District may have these tests performed by a designated representative.

In those instances where the District Manager deems the hazard to be great enough, he may require certified inspections at more frequent intervals. These inspections and tests will be at the expense of the water user and will be performed by Water District personnel, or by a certified tester approved by the District Manager, and approved by the State of Massachusetts. It will be the duty of the District Manager to see that these timely tests are made. The District Manager will notify the customer-user in advance when the tests are to be undertaken so that he or his representatives may witness the test if so desired. These devices will be repaired, overhauled, or replaced at the expense of the customer-user whenever said devices are found to be defective. Records of such tests shall be kept by the District Manager.

- 4.2.7 All presently installed backflow prevention devices which do not meet the requirements of this section, but were approved devices for the purposes described herein at the time of installation and which have been properly maintained, will, except for the inspection and maintenance requirements under subsection 4.2.6, be excluded from the requirements of these rules, so long as the District Manager is assured that they will satisfactorily protect the utility system. Whenever the existing device is moved from the present location or requires more than the maintenance, or when the District Manager finds that the maintenance constitutes a hazard to health, the unit will be replaced by a backflow prevention device meeting the requirements of this section.

- 4.2.8 All industrial and commercial establishments attached to the Water District are required to install at the service entrance immediately downstream of the meter, a reduced pressure (RP) backflow device.

- 4.2.9 All decisions relating to determination of backflow devices will be made by the Commissioners or District Manager. Failure to comply with any directive from this office will result in termination of service.

- 5.1 All testing and/or maintenance performed on backflow devices by the Water District or its agent will be charged to the owner of the device.

Rules and Regulations adopted by the Commissioners of the Water Supply District of Acton, June 11, 1990, at a Regular meeting of said Commissioners.

Stephen C. Stuntz
Leonard A. Phillips
Ronald R. Parenti

**Fee Schedule for Backflow and
Cross-Connections**
March 1, 2010

A. Survey Fees

\$55.00 - first hour or part thereof (minimum)
\$26.00 - each additional hour - chargeable in
one-quarter hour installments

B. Testing Fees (During normal work hours.)

The fee schedule is as follows:

1 Device	\$75.00 per device	} provided the multiple devices are located at the same address
2or more Devices	\$50.00 per device	

C. If testing cannot be conducted during regular work hours (Monday - Friday), a fee of one and one-half the above will be charged.

Adopted by the Commissioners of the Water Supply District of Acton, March 1, 2010, at a regular meeting
of said Commissioners.

Stephen C. Stuntz
Leonard A. Phillips
Ronald R. Parenti

District Revolving Fund for Mitigation

Adopted March 21, 2018

1. **Purpose.** This bylaw establishes and authorizes a revolving fund for use by the District in connection with mitigation fees, charges or other receipts to support all or some of the District's mitigation expenses under the Water Management Act. The fund will be credited with all fees charged for mitigation. Expenditures will be authorized by the District Manager and will not exceed \$100,000. This revolving fund is established under and governed by Massachusetts General Laws Chapter 44, Section 53E½.

2. **Expenditure Limitations.** The revolving fund is established and authorized by this bylaw without appropriation for projects to mitigate water usage or to pay fees assessed to the District under the Water Management Act subject to the following limitations:

- No liability shall be incurred in excess of the available balance of the fund.
- The total amount spent during a fiscal year shall not exceed the amount authorized by District Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Water Commissioners.

3. **Interest.** Interest earned on monies credited to a revolving fund established by this bylaw shall be credited to the General Fund.

4. **Procedures and Reports.** Except as provided in Massachusetts General Laws Chapter 44, Section 53E½ and this bylaw, the laws, charter provisions, bylaws, rules, regulations, policies or procedures that govern the receipt and custody of District monies and the expenditure and payment of District funds shall apply to the use of a revolving fund established and authorized by this bylaw. The District Treasurer shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the District Treasurer provides.

District Revolving Fund for New Service Meter Installations

Adopted March 15, 2023

1. Purpose. This bylaw establishes and authorizes a revolving fund for use by the District in connection with new service meter installation fees, charges or other receipts. The fund will be credited with all fees charged for new service meter installations. Expenditures will be authorized by the District Manager and will not exceed \$100,000. This revolving fund is established under and governed by Massachusetts General Laws Chapter 44, Section 53E½.
2. Expenditure Limitations. The revolving fund is established and authorized by this bylaw subject to the following limitations
 - No liability shall be incurred in excess of the available balance of the fund.
 - The total amount spent during a fiscal year shall not exceed the amount authorized by District Meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Water Commissioners.
3. Interest. Interest earned on monies credited to a revolving fund established by this bylaw shall be credited to the General Fund.
4. Procedures and Reports. Except as provided in Massachusetts General Laws Chapter 44, Section 53E½ and this bylaw, the laws, charter provisions, bylaws, rules, regulations, policies or procedures that govern the receipt and custody of District monies and the expenditure and payment of District funds shall apply to the use of a revolving fund established and authorized by this bylaw. The District Treasurer shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the District Treasurer provides.”