



Water Supply District of Acton

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Board of Water Commissioners & Finance Committee Meeting Agenda

Monday, February 26, 2024 @ 7:00 PM

Due to the COVID-19 Pandemic, meetings are being held virtually via Zoom

Please click the link below to join the webinar:

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- **Comments from the public**
- **Approve minutes from the meetings of 2/12**
- **Appoint one Commissioner to sign warrants while conducting meetings virtually**

OLD BUSINESS:

- Per- and Polyfluoroalkyl Substances (PFAS)
 - Current sample data, if available
 - Discussion of Additional PFAS Upgrades
- Update on 549 Main Street
- Review Budget for FY '25 and proposed articles for 2024 Annual District Meeting Warrant
- Discuss Annual Report

NEW BUSINESS:

- Annual District Meeting Presentations

EXECUTIVE SESSION: -- To consider the purchase, exchange, lease of real property as an open meeting may have a detrimental effect on the negotiating position of the District.

Any agenda item(s) which did not come to the attention of the Board of Water Commissioners 48 hours prior to this meeting and were not reasonably anticipated.

Board of Water Commissioners

Meeting Agenda

Monday, February 12, 2024 @ 7:00 PM

AGENDA

- Comments from the public
- Approve minutes from the meetings of 1/22 and 2/1
- Appoint one Commissioner to sign warrants while conducting meetings virtually

OLD BUSINESS:

- Per- and Polyfluoroalkyl Substances (PFAS)
- Current sample data, if available
- Discussion of Additional PFAS Upgrades
- Update on 549 Main Street
- Review Budget for FY '25 and proposed articles for 2024 Annual District Meeting Warrant
- Discuss Annual Report

NEW BUSINESS:

- Update on District Financial Auditor

EXECUTIVE SESSION: -- To consider the purchase, exchange, lease of real property as an open meeting may have a detrimental effect on the negotiating position of the District.

Present at Tonight's Meeting:

Commissioners: Erika Amir Lin (Chair), Barry Rosen, Stephen Stuntz

District Manager: Matt Mostoller

District Treasurer: Christine McCarthy

District Counsel: Mary Bassett, Spencer Holland

Environmental Manager: Alexandra Wahlstrom

Members of the Public: Bill Guthlein, Alissa Nicol, Ron Parenti, Carolyn Kiely

START OF MINUTES

Ms. Amir Lin opened the meeting at 7:02 pm.

Comments from the public

None at this time.

Approve minutes from the meetings of 1/22 and 2/1

Mr. Stuntz motioned to approve the minutes for January 22, 2024. Mr. Rosen seconded the motion, and it was unanimously approved via a roll call vote, Mr. Stuntz, Mr. Rosen, Ms. Amir Lin

Mr. Rosen motioned to approve the minutes of February 1, 2024. Mr. Stuntz seconded the motion, and it was unanimously approved via a roll call vote, Mr. Stuntz, Mr. Rosen, Ms. Amir Lin.

Appoint one Commissioner to sign warrants while conducting meetings virtually

Mr. Stuntz motioned to appoint Mr. Rosen to sign warrants until the next regularly scheduled meeting. Ms. Amir Lin seconded the motion, and it was unanimously approved via a roll call vote, Mr. Stuntz, Mr. Rosen, Ms. Amir Lin.

OLD BUSINESS:

Per- and Polyfluoroalkyl Substances (PFAS)

Current sample data, if available

Mr. Mostoller provided the Board with an update on the January sample data. North and South Acton were sampled on January 11th, North Acton was at 16.9 ppt, and South Acton was at 15.1 ppt. On January 25th Center Acton was sampled, and it came in at 6.4 ppt. February sampling started on February 7th. At this time both Center and South Acton are in operation.

Mr. Mostoller informed the Board that given the schedule for the North Acton project, he is unsure if North Acton will be in use at all in the month of February.

Ms. Amir Lin commented on this trend of low sample results. Mr. Mostoller responded that this is likely because December was especially rainy, which may have diluted the samples. Mr. Mostoller informed the Board that these sample results were sent to the PFAS Update email list earlier today.

Mr. Stuntz asked Mr. Mostoller about a question from the public that they had received, Mr. Mostoller responded that he is working on a response to those questions.

Ms. Amir Lin asked Mr. Mostoller about the speed of the lab processing times. Mr. Mostoller turned the question to Ms. Wahlstrom who replied that the turnaround time has been very quick lately, with an average of two weeks. While they hope this pace continues, Mr. Mostoller advised the Board that if lab processing slows, it could delay the DEP's final approval of North Acton.

Discussion of Additional PFAS Upgrades

Mr. Mostoller went on to provide an update on the PFAS projects. Regarding South Acton, they received MassDEP's approval of the proposed design with little feedback. One notable piece of feedback was

about permit conditions at the site for discharging into the lagoon. MassDEP noted that they have the ability to use the lagoon but that may change in the future, and may require a permit, ongoing sampling, or a complete halt on the lagoon discharge. Due to the broad and open-ended nature of this feedback Mr. Mostoller is reaching out to get more information on this.

For Center Acton the engineer is putting together a package for the work near the regulated wetland buffer areas, they don't believe the work will cross the buffer boundary. The items of pre-bid have hit the open market. The prefabricated building is out, the GAC vessels, and the VFDs for Center Acton, including the bedrock wells are out. The bidding will conclude at the end of the month and in March the full construction will be out for bid. Ms. Amir Lin asked about the timeline for awarding those bids. Mr. Mostoller responded they can expect those contracts to be awarded no later than June 15th.

Regarding North Acton they are making progress, and the majority of the work to be done is electrical. The VFD's arrived a week and a half ago, and earlier today they were scheduled to be hung on the walls. The preliminary date for the GAC delivery is February 26th, which they expect to be a weeklong process. The supplier, Suez, informed them that they expect their field service representative to be there during that week and the following week to do the commissioning of the filters. This project will have a progress meeting tomorrow morning where additional information on progress and schedules will be available. The engineer denied the 60-day contract extension, which they expect to be the focus of tomorrow's meeting. They found no validity behind the request for the additional time, and they are requesting substantial completion on February 29th. Substantial completion in this case means that water can run through the filtration system. There will be other start up activities, and there will be field trials, so final completion will be sometime in the spring when the GC can do the final grading and other outdoor work.

Mr. Rosen asked if the subcontractor is the source of delay. Mr. Mostoller responded that that had been a previous issue but now that the electrical is moving forward some of the GC's work has fallen behind but its not anything serious that can't be resolved. Mr. Mostoller informed the Board of their goal for having actual operation of the system in late March. Ms. Amir Lin asked if they were pushing to have the operation up before summer demand, Mr. Mostoller affirmed that that has been conveyed.

Update on 549 Main Street

Mr. Mostoller brought the Board up to speed on 549 Main Street. The aim was to have the CR finalized for February 1st, this deadline has not been met as there was some back and forth with the CR co-holders that delayed this finalization. Wednesday this week they will have a meeting and they can hopefully submit the necessary paperwork to the state on Thursday. However, because of this delay the permanent financing is in question, as they are not sure if there is enough time to meet the bonding obligations, turn around the CR, and get third party funds in house. Mr. Mostoller and Ms. McCarthy have been working through the available options and hope to resolve this after the meeting on Wednesday.

Ms. Amir Lin asked when the deadline is to apply for permanent financing. Ms. McCarthy explained that the deadline to begin that process has already passed.

Mr. Mostoller let the Board know that they are exploring options to request money from the MVP grant. One requirement of this is signage and education materials which Ms. Wahlstrom has been working on.

The costs of this signage are higher than anticipated so they are requesting the MVP grant to accommodate that increased expense.

Ms. Amir Lin asked if there is a proposed timeline to meet signage requirements, and if it is tied to funding. Mr. Mostoller responded that in discussions with one grant program, they'd be willing to be lenient if they know the materials are in progress or need to be installed, they're prepared to work in good faith. They will continue to be in discussion with the other programs about this.

Review Budget for FY '25 and proposed articles for 2024 Annual District Meeting Warrant

Ms. Amir Lin directed the Board to continue their review of the FY '25 Budget and the proposed articles for the 2024 Annual District Meeting Warrant. Mr. Mostoller suggested that he review the final article, which concerns the changes to the District bylaws first. Mr. Mostoller explained that he wanted to share the intent of the article with the Board, though they are still in the process of finalizing the language and process. They expect at the February 26th meeting they will be ready to close the warrant. Ms. Amir Lin agreed to this, and Mr. Mostoller went on to explain the context of the proposed bylaw article.

Mr. Mostoller explained that the primary area of change is section 15, where they expect to strike much of the existing language and replace it with new language that matches what the state would consider a Model Bylaw as part of our amended Water Management Permit. Mr. Mostoller then went on to explain how Acton's unique separate bylaw restricting sprinklers affects this process. Mr. Mostoller then discussed additional changes to the bylaw to reduce seasonal and daily peak water use, water efficiency and conservation, and the outdoor water use section. He explained that some of the changes to update the language have caused them to update other areas, so they work better together. The nature of these changes is 3 sections of the bylaw that deal with restrictions, irrigation systems, and water conservation and efficiency and getting them to work together. Mr. Mostoller explained their work process thus far and shared some of the draft language on screen. Mr. Mostoller went through some of the specifics like the applicability of some definitions, the declaration of a state of water supply conservation and emergency, and the automatic summer restriction already in place. After walking the Board through that framework of the bylaw language changes, Mr. Mostoller asked the Board if they had any questions on this proposed article.

Ms. Amir Lin asked if these changes would bring the District into harmony with the state's standards. Mr. Mostoller answered that much of the language is similar to what is already in the bylaw and explained that one of the conditions of the pending Water Management Act permit is having a bylaw that matches the state's model bylaw in place by May 1, 2024.

Mr. Amir Lin then asked how this will be presented at the meeting. Mr. Mostoller replied that they are working on its presentation at the meeting, there will be text for the attendees to read, but they are also considering a recording of the specific language changes. The hope with recording the exact language is to save the Moderator time on reading all the specific changes to the bylaw language.

Mr. Rosen asked Ms. Bassett if the state requires bylaw articles to be read out in their entirety. Ms. Bassett said she is only aware of that being the custom for the District. Mr. Rosen then asked if it would be proper to ask the audience to waive any requirement to read out loud the language if the written text is sufficient. The Board, Ms. Bassett, and Mr. Holland then had a brief discussion about the presentation of this article and the changes to the bylaw language. At the end of this short discussion

the Board agreed that at least making a recording of the language changes would be useful to have on hand, and that they would check the specifics of using that type of recording to ensure compliance. The Commissioners thanked Mr. Mostoller for the update on that article.

Mr. Mostoller went on to highlight some changes to Article 21, which pertains to MassDEP required maintenance at Nagog Hill. The amount of that article increased from \$20,000 to \$30,000 with the additional \$10,000 coming from free cash. Assuming free cash is certified at the level we are reporting to the state, that would leave the free cash with just over \$100,000.

Mr. Stuntz asked what Mass DEP is requiring for the tank maintenance. Mr. Mostoller explained that they are requiring that the tank have means for regular chlorination, which it currently does not have. With the tank's current structure, regular chlorination would require hiring a crane service every time and incurring a \$600 charge for the crane service. Their proposal is to use the mixing system installed in 2020 and retrofit it to have a chemical injection system. There are, however, outstanding safety items on that tank that they are hoping to fix at the same time as other work so as to hire one company to do all the necessary work. Ms. Amir Lin asked if both parts of this maintenance will be cost saving in the future. Mr. Mostoller replied that though they are working to avoid the crane cost, the monthly chlorination will be an ongoing cost.

Ms. Amir Lin asked the Board if they wanted to discuss any of the proposed articles that they discussed at the previous meeting. Both Mr. Rosen and Mr. Stuntz said they were all set and would be happy to discuss the other proposed articles when they are finalized. The Board then briefly reviewed the timeline of finalizing the proposed articles in conjunction with the Finance Committee's next meeting, and the upcoming February 26th commissioners meeting.

Ms. Amir Lin then directed the discussion of the FY '25 Budget. Ms. Amir Lin asked Ms. McCarthy if there were any updates besides the additional \$10,000 for the Nagog Hill tank. Ms. McCarthy then provided an update for items in the budget that had changed slightly. The short-term debt had increased but when added to the long-term debt the net amount was the same. The changes in short-term debt were spurred by the change in financing for 549 Main Street. The renewal rate for health insurance came in lower than expected, they had originally factored for a 12% increase, but it came out to only be a 6.49% increase, so those numbers were updated. The figures for chemicals were also reduced. Overall, several items in the budget came down in price. Mr. Rosen asked if the GAC is part of the chemical section of the budget. Mr. Mostoller responded that those are under maintenance and operations as the chemical section is typically for consumable chemicals like chlorine. Historically we have appropriated funds for GAC replacement as it is a filter media.

The Commissioners had no further questions about the budget. The Board then briefly discussed plans to formally adopt the budget at the next meeting. The Finance Committee recommended the Board accept the proposed budget at the joint meeting on January 22, 2024, contingent on approving a rate increase to support the budget.

Discuss Annual Report

Ms. Amir Lin informed the Board that the first draft is included in the packet, and it was circulated the afternoon of this meeting. Mr. Mostoller added that if possible, they would be looking for the Board to approve the report this evening. The Board then engaged in a brief discussion about the draft of the

Annual Report. Mr. Stuntz commented that there was not much emphasis on solar in the report, or other environmental initiatives. The Board then discussed how environmental initiatives will be presented in the annual meeting as they relate to the 2021 articles about the challenges the District had in finding appropriate electric vehicles. Mr. Mostoller commented that in the 2023 calendar year there were not many big solar initiatives to discuss as some were from CY 22 or had much of the work done and reported in the previous Annual Report. Ms. Amir Lin commented that much of the Board's work in 2023 was on policy and long-term planning so those items took particular focus in this report. The Board then wrapped up their discussion.

Mr. Stuntz motioned to approve the Annual Report as submitted to the Board of Commissioners meeting on February 12, 2024, inclusive of any typographic edits. Mr. Rosen seconded, and it was unanimously approved via a roll call vote, Mr. Stuntz, Mr. Rosen, Ms. Amir Lin.

Ms. Amir Lin asked if there was any pertinent old business. Mr. Mostoller reported that the Finance Committee has been diligently working on their report, and he expects that at their next meeting they may submit the report. Their report will provide the information necessary to explain the rate increase, and other capital spending that continues to evolve. Mr. Mostoller said he believes this will tie into the information in the Board's report and explain many of their decisions in the context of PFAS, inflation, and regulatory pressures. Mr. Mostoller informed the Board his own report will provide details on staff turnover and the people of the organization, and efforts to support, attract, and retain staff.

Mr. Rosen asked if the Finance Committee was still working on the presentation for the annual meeting to encapsulate the budget prior to the presentation of the Warrant Articles. Mr. Mostoller responded that the meeting on the 26th will have an agenda item to discuss this and that he has some of what Mr. Parenti has prepared thus far.

NEW BUSINESS:

Update on District Financial Auditor

Ms. McCarthy provided an update on this item. She was informed by Powers & Sullivan that on February 1, 2024, they merged with Marcum LLP. They are going to honor their standing agreement and informed Ms. McCarthy that it should be business as usual. Ms. Amir Lin asked if the agreement on fees will be honored, Ms. McCarthy affirmed that she was told they would honor their current fee agreement. Ms. Amir Lin asked if Ms. McCarthy had received any indication of how contract terms may change for next year, Ms. McCarthy responded that they have not gotten to that point yet.

Having no other new business or need for executive session the Board then decided to close the meeting.

Mr. Rosen motioned to adjourn this meeting of the Acton Water District Board of Commissioners. Mr. Stuntz seconded, and it was unanimously approved via roll call vote, Mr. Stuntz, Mr. Rosen, Ms. Amir Lin.

MEETING CLOSED 7:57

FY 2025 Budget and Estimated Revenue

	Actual FY 23	Budget FY 24	6 month actual	Budget FY 25
EXPENSES				
Audit/Accounting	16,000	20,000	15,800	22,500
Auto Maint & Fuel	38,197	52,000	11,964	53,560
Short Term Debt	215,986	-	24,408	184,273
Long Term Debt	1,661,539	2,752,416	458,878	2,164,711
Chemicals	101,504	160,000	68,146	168,000
DEP Withdrawal	5,121	5,000	-	5,000
Employee Education	9,627	17,500	4,893	17,500
Engineering	30,319	60,000	2,165	60,000
Health/Life Insurance Active	236,718	267,896	103,857	258,418
Health/Life Insurance Retiree	-	108,899	54,406	115,847
Information Reports	34,130	50,000	28,362	30,000
Insurance	97,644	118,800	98,781	133,056
Laboratory Analysis	83,991	100,000	35,199	85,000
Legal	55,170	75,000	29,545	100,500
Lights/Power/Fuel	454,572	600,000	155,041	600,000
Maintenance & Operations	466,116	420,000	218,985	608,000
NAWTP PFAS Filter Lease	-	-	-	335,750
Middlesex Retirement	288,240	330,838	330,838	354,740
Meters	75,000	125,000	77,641	125,000
Office Supplies & Postage	82,576	96,000	27,821	62,000
Software Subscriptions/ IT Maintenance	-	-	-	60,000
Telephone	-	-	-	21,000
Reserve Fund	100,000	100,000	-	100,000
Salaries & Wages	1,552,117	1,727,988	705,045	1,633,565
Total	5,604,567	7,187,338	2,451,775	7,298,420
REVENUE				
Water Revenue	3,070,585	3,084,795	1,596,341	4,052,399
Service Fee	538,005	544,500	268,815	534,000
Debt Fee	2,152,020	2,752,629	1,187,323	2,349,600
Total Water Revenue	5,760,610	6,381,924	3,052,479	6,935,999
Fire Protection Sprinklers	40,931	41,000	41,210	41,000
Rent/Lease	655,092	493,570	92,754	115,000
Solar Field lease revenue	-	-	-	385,000
Repairs/Installation	57,314	50,000	20,850	50,000
Cross Connection	18,285	21,000	15,955	21,000
Demand Fees	263,000	300,000	14,800	200,000
Mitigation Fees	66,776	100,000	6,742	100,000
New Services Meter Installation RF	-	-	12,665	100,000
Total Other Revenue	1,101,398	1,005,570	204,976	1,012,000
Total	6,862,008	7,387,494	3,257,455	7,947,999

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.



To the Clerk of the Water Supply District of Acton, GREETINGS:

You are directed to notify the inhabitants of the Town of Acton who are qualified to vote in elections and town affairs, to assemble at their precinct:

*All Precincts voting at Blanchard Auditorium
R.J. Grey Junior High School
16 Charter Road
Acton, Massachusetts*

On Tuesday, April 30, 2024
Between 7:00 A.M. and 8:00 P.M.

Then and there to bring their votes on one ballot for the following officers:

Commissioner for three years

District Moderator for three years

You are further directed to notify the legal voters of the Town of Acton, as aforesaid, to assemble at:

**R.J. Grey Junior High School
16 Charter Road
Acton, Massachusetts 01720**

**On Wednesday, March 20, 2024
6:00 P.M.**

Then and there to act on the following Articles:

Article 1. To fix salaries of the elected officials.

Article 2. To act on the reports of the Commissioners, the Treasurer, and other officers and committees of the District.

Article 3. To see if the District will vote to authorize the Treasurer, with the approval of the Commissioners, to borrow in anticipation of the revenue of the fiscal year beginning July 1, 2024 in accordance with the provisions of General Laws, Chapter 44, Section 4, and to renew any note or notes as may be given for a period of less than one year, in accordance with the provisions of the General Laws, Chapter 44, Section 17, or to take any other action relative thereto.

Article 4. To see what sums of money the District will vote to raise and appropriate to defray the usual expenses of the District.

Article 5. To see if the District will vote, pursuant to General Laws, Chapter 44, Section 53E½, to establish a \$100,000 limitation on expenditures from the revolving fund captioned "District Revolving Fund for Mitigation," or to take any other action relative thereto.

Article 6. To see if the District will vote, pursuant to General Laws, Chapter 44, Section 53E½, to establish a \$100,000 limitation on expenditures from the revolving fund captioned "District Revolving Fund for New Service Meter Installations," or to take any other action relative thereto.

Article 7. To see if the District will vote to transfer from Grace Stabilization Fund (W.R. Grace settlement) the sum of \$125,000 for the maintenance and repair of the various treatment facilities including, but not limited to, media replacement in the filtration tanks, aeration tower repair, and replacement of packing material, or to take any other action relative thereto.

Article 8. To see if the District will vote to transfer from Surplus Revenue the sum of \$100,000 to clean and rehabilitate existing wells throughout the District, or to take any other action relative thereto.

Article 9. To see if the District will vote to transfer from Surplus Revenue the sum of \$30,000 for the purpose of replacing old water mains, renewing old water services, and replacing old fire hydrants, or to take any other action relative thereto.

Article 10. To see if the District will vote to transfer from Surplus Revenue the sum of \$30,000 for the purpose of repairing emergency water main breaks, or to take any other action relative thereto.

Article 11. To see if the District will vote to transfer from Surplus Revenue the sum of \$200,000 for the replacement of filtration media at the District's water treatment plants, or to take any other action relative thereto.

Article 12. To see if the District will vote to transfer from Surplus Revenue the sum of \$500,000 to pay costs of improvements to the District's water system and water mains in Acton, or to take any other action relative thereto.

Article 13. To see if the District will vote to transfer from Surplus Revenue the sum of \$83,106 to pay for three months of Fiscal Year 2024 lease payments for the North Acton Water Treatment Plant PFAS Filter Lease, or to take any other action relative thereto.

Article 14. To see if the District will vote to transfer from Surplus Revenue the sum of \$200,000 for purchase of a vacuum tank trailer truck, or other comparable vehicle, or to take any other action relative thereto.

Article 15. To see if the District will vote to transfer from Surplus Revenue the sum of \$75,000 for the acquisition of a new general service vehicle, by purchase or lease, and to authorize the sale or trade of the District's 2010 Chevrolet utility truck, or to take any other action relative thereto.

Article 16. To see if the District will vote to authorize the Treasurer, with the approval of the Commissioners, to transfer the following unexpended balances remaining after the completion of projects authorized by vote of the District, or to take any other action relative thereto:

- A. Unissued balance in the sum of \$19,520 from Article 1 of the Special District Meeting held on September 22, 2008, to the funds appropriated for the purchase of new general service vehicles pursuant to Article 12 of the Annual Meeting of 2021.
- B. Unissued balance in the sum of \$1,010 from Article 17 of the Annual Meeting of 2020 to the funds appropriated for the purchase of new general service vehicles pursuant to Article 12 of the Annual Meeting of 2021.

Article 17. To see if the District will vote to transfer from the Other Post Employment Benefits Liability Trust Fund (OPEB) the sum of \$109,347 to fund health insurance benefits for retirees, or to take any other action relative thereto.

Article 18. To see if the District will vote to transfer from Surplus Revenue the sum of \$50,000 for costs associated with addressing corrosion of the pitless adapters at the Kennedy Wells, or to take any other action relative thereto.

Article 19. To see if the District will vote to transfer from Surplus Revenue the sum of \$30,000 for costs associated with replacing the roof at the District's office building at 693 Massachusetts Avenue, or to take any other action relative thereto.

Article 20. To see if the District will vote to transfer from Surplus Revenue the sum of \$30,000 for costs associated with upgrades to the District's Nagog Hill water tank at 287 Nagog Hill Road, or to take any other action relative thereto.

Article 21. To see if the District will vote to transfer from Surplus Revenue the sum of \$75,000 for costs associated with obtaining a study of water supply alternatives available to the District, or to take any other action relative thereto.

Article 22. To see if the District will vote to authorize the Commissioners to enter into a long-term written lease, for an initial term not to exceed twenty (20) years, for use of a cell tower on a portion of the land owned by the District located at and known as 287 Nagog Hill Road, which lease shall provide the most favorable annual lease payments and other terms received in response to a request for proposal issued by the District, and subject to other terms, conditions and limitations as the Commissioners shall deem necessary and appropriate, or to take any other action relative thereto.

Article 23. To see if the District will appropriate the sum of \$500,000 or any other amount, to pay costs of implementing the recommendations of the Lead Service Line Inventory and Replacement Plan, and to meet said appropriation by transferring from available funds, or borrowing, which may include the borrowing of funds through the Massachusetts Clean Water Trust, or any combination thereof, or to take any other action relative thereto.

Article 24. To see if the District will vote to amend the District Bylaws by replacing the current District Bylaws in whole with the proposed District Bylaws dated February 26, 2024. The full text of the proposed District Bylaws is available at www.actonwater.com/bylaw24.

Hereof fail not and make due returns of this Warrant with your doings thereon to the Water Commissioners on or before the time of holding of said meeting.

Given under our hand this _____ day of February in the year two thousand and twenty-four.

Erika Amir-Lin
Barry Rosen
Stephen C. Stuntz, Water Commissioners

A true copy. ATTEST:

William T. Stanford
District Clerk

**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 ~~voter's~~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 ~~he~~the person or someone on ~~his~~the person's behalf has submitted nomination papers signed by fifty registered ~~voter's~~voters of the District, setting forth the office for which ~~he~~the person is a candidate and containing a statement signed by the candidate that ~~he~~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 ~~4-010~~ of ~~the~~ General Laws. Submission to the Registrar of Voters shall be in accordance with Chapter 41, Section ~~1-1-5115~~ of the General laws.
- iv Nothing ~~here in~~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 ~~he~~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 ~~officer's~~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~~nominations of District officers will be conducted in accordance with ~~chapters fifty-six, inclusive, Chapters 52 through 56~~ of the General Laws, inclusive, so far as applicable, except as otherwise provided in ~~sections one hundred and fourteen to one hundred and seventeen~~Sections 114 through 117 of Chapter 41 of the General Laws, inclusive, and except as otherwise provided by the District ~~By-Law~~Laws.

BY-LAWS

As (adopted and amended to March, ~~2000~~, 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 ~~last Tuesday date~~ of ~~March~~ the Town of ~~each year~~ 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~~ 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 ~~to~~ shall be appointed by the Commissioners for a term of three years, two members ~~to~~ shall be appointed by the Moderator of the District for a term of two years, one member ~~to~~ shall be appointed by the ~~Selectmen~~ 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 to-titled~~ "Regulate the Removal ~~of 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 ~~Water~~-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 ~~Water~~ District in the normal course of providing fire protection or water supply.
- ~~Xiii~~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 ~~Water~~-District and permits have been issued in accordance with the Drinking Water Regulations of the Department of Environmental Protection.
- b. ~~That the Water~~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. ~~That the~~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; ~~and~~ to promote the elimination or control of existing cross connections between its customers; ~~to~~ in-plant 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 ~~accrue~~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; ~~Massachusetts 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.⁴

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 ~~is~~ 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

⁴~~This statutory definition includes cultivation of the soil, dairying and the production, cultivation, growing and harvesting of agricultural, aquacultural, floricultural or horticultural commodities as well as forest harvesting, raising livestock inclusive of bees and fur-bearing animals and forestry, lumbering, preparation for market, delivery to storage or market or to carriers to market incidental to an agricultural operation.~~

- 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 Uses²

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

²~~Many Water Management permits include specific language restricting outdoor water uses. Each town, city or district should consult their Water Management permit to ensure consistency with permit requirements.~~

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 of DEP: Submittal of ~~MassDEP's~~the Department of Environmental Protection's form "Notification of Water Use Restriction" shall be provided to the ~~Massachusetts~~ Department of Environmental Protection within 14 days ~~of~~following the effective date of the restrictions, per ~~MassDEP~~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~~Section 21D of ~~chapter~~Chapter 40 of the ~~general laws~~General Laws. For purposes of non-criminal disposition, the enforcing person shall be any police officer of the ~~town~~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 property 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~~Reduce the ~~local daily~~Local Daily and ~~seasonal peak water use~~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

~~Penalty:~~

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

~~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 ~~16, 1994~~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 ~~53~~(b), ~~Agents~~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 ~~insure~~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 customers 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

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**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
2 or 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.”

**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 in-plant 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 customers 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 principal 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.”