



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

September 12, 2025

Lucia A. Teixeira
President and Chief Operating Officer
Aquarion Water Company of Massachusetts, Inc.
835 Main Street Bridgeport, CT 06604

RE: Boxford, MA
PWS: Andrews Farm Water Company, Inc.
PWD ID # 3038020
Emergency Declaration
UAO-00021353

Dear Ms. Teixeira:

The Massachusetts Department of Environmental Protection ("MassDEP") received a petition (the "petition") from Aquarion Water Company of Massachusetts, Inc. ("Aquarion" or the "Company") regarding the Andrews Farm Water Company, Inc. ("AFWC") of Boxford, MA on September 12, 2025 requesting an Emergency Declaration under the provisions of the Water Management Act, M.G.L. c. 21G (the "WMA") and the Water Management Act regulations, 310 CMR 36.00. According to the petition, there was a failure of AFWC to maintain a continuous supply of water to meet the demand of the AFWC customers. This led to the Governor's Declaration of Water Emergency that authorized the Department of Public Utilities ("DPU") to issue an order directing Aquarion take immediate operational and management control to restore water service beginning on September 10, 2025. As a result, water service was restored on September 11, 2025, but given the unknown state of the system and apparent lack of repairs and maintenance, water service restoration may not be possible due to additional mechanical failures or other necessary repairs and maintenance of the water system. The lack of access to potable water for customers of AFWC due to mechanical failures or other required maintenance endangers public health, safety and welfare. Therefore, Aquarion is seeking permission to purchase and store potable water onsite using a tanker truck or, in the alternative, temporarily purchase water from the Town of Topsfield's water system through the existing connection between the systems.

This information is available in alternate format. Please contact MassDEP at 617-292-5500.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

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In response to the petition, MassDEP has determined that a State of Water Supply Emergency is impending within the area served. Enclosed please find a Water Supply Emergency Declaration and Unilateral Administrative Order (“UAO”), which outlines the conditions under which Aquarion may either provide an alternate source of water through bulk delivery and activate the emergency interconnection to the Town of Topsfield during the emergency.

If you have any questions regarding this letter, please contact Kristin Divris at (508) 887- 0021.

Sincerely,

Eric S. Worrall

Eric S. Worrall
Regional Director

E/CC: Aquarion Water Company of
Massachusetts D/B/A Aquarion
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Town of Boxford:
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Kendell Longo, Board of Health,
klongo@town.boxford.ma.us

Town of Topsfield:
Kevin Harutunian, Town Administrator,
kharutunian@topsfield-ma.gov
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gkrom@topsfield-ma.gov
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E/CC: MassDEP-NERO:
Eric Worrall, RD
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Jennifer Davis, OGC Enforcement

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

In the Matter of

Aquarion Water Company of
Massachusetts, Inc.

RE: Boxford – Andrews Farm Water Company, Inc.
Public Water Supply
Water Supply Emergency Declaration
and Order, UAO-00021353

The Parties

1. The Massachusetts Department of Environmental Protection (hereinafter referred to as “MassDEP”) is a duly constituted agency of the Commonwealth of Massachusetts established pursuant to M.G.L. c. 21, § 7. MassDEP has its principal office located at 100 Cambridge Street, Suite 900, Boston, Massachusetts 02114. MassDEP maintains its Northeast Regional Office located at 150 Presidential Way, Suite 300, Woburn, MA 01801.
2. Aquarion Water Company of Massachusetts, Inc. (“Aquarion”) is a Utility registered with the Secretary of the Commonwealth with a principal office that is located at 835 Main Street, Bridgeport, CT 06604. Aquarion’s Registered Agent’s mailing address is CT Corporation System, 155 Federal St., Ste 700, Boston, MA 02110.
3. Andrews Farm Water Company, Inc. is a Supplier of Water and owns and operates a Community Water System, which is a type of Public Water System (PWS) as defined in 310 CMR 22.02, located in Boxford, Massachusetts. It provides water to the residents of Andrews Farm in Boxford, MA. The mailing address for purposes of this Unilateral Administrative Order is 36 Andrews Farm Road, Boxford, Massachusetts 01921.

Statement of Facts and Law

4. On September 10, 2025, Governor Maura T. Healy issued a Declaration of Water Emergency (the “Declaration”) at Andrews Farm due to failings at Andrews Farm Water Company, Inc. The Declaration states that “[t]he chairman of the Department of Public Utilities shall take such actions pursuant to Section 4B of Chapter 25 of the General Laws as he may consider necessary to assure public safety and welfare in response to this water emergency.”

5. Following the Governor's issuance of the Declaration and on the same date, the Chair of Department of Public Utilities ("MassDPU") issued orders, among which was one directing Aquarion to "immediately access all equipment, property, and other assets of Andrews Farm Water Company necessary to restore water service;"
6. MassDEP received notification from Aquarion by email on September 12, 2025, of the PWS's existing inability to maintain a water supply of sufficient quantity and quality so as to protect the public health and safety of the Andrews Farm residents starting on September 10, 2025.
7. Aquarion now operates the Andrews Farm Water Company, Inc.'s the PWS, MassDEP PWS ID# 3038020, within the Town of Boxford, which serves approximately 53 homes.
8. The PWS has an emergency connection to the Town of Topsfield's PWS, MassDEP PWS ID# 3298000.
9. On Tuesday, September 9, 2025, at approximately 8:37 a.m., MassDEP learned via telephone call from a resident who represented that the PWS was not providing any water. Additional emails were sent to MassDEP by several residents also reporting a loss of water.
10. Due to the failure of Pump No. 1 on September 1, 2025, the PWS is currently under a Boil Order that MassDEP issued that same day.
11. At approximately 12:35 p.m. on September 12, 2025, Aquarion petitioned MassDEP for a Declaration of a State of Water Supply Emergency, pursuant to M.G.L. c. 21G, §§ 15 through 17, and 310 CMR 36.40 through 36.42. Aquarion's request was made in order to provide fit, safe, and pure water to the residents of Andrews Farm.
12. On September 12, 2025, MassDEP determined a need to issue a Declaration of a State of Water Supply Emergency ("Declaration"), pursuant to 310 CMR 36.40(2). The Department communicated this determination to Aquarion by email on September 12, 2025, at approximately 3:00 p.m., through this written Declaration.
13. Section 15 of the Water Management Act ("WMA"), M.G.L. c. 21G, and the Water Management Regulations at 310 CMR 36.40(1), authorize any public water supplier to petition MassDEP for a Declaration of a State of Water Supply Emergency.
14. Pursuant to 310 CMR 36.40(2), MassDEP may declare a state of water supply emergency
...if it finds that there exists or impends a water supply shortage of a dimension which endangers the public health, safety or welfare due to circumstances including, but not limited to:

- a) demand for water exceeds the availability of water;
 - b) mechanical failure or similar type of emergency, including inability to maintain storage tanks, loss of power, loss of pumping capacity, loss of storage capabilities, or major breaks or leaks;
 - c) contamination of the public water supply, the distribution system or storage tanks and inability to meet demand with remaining public water supplies;
 - d) inadequate source of water, inadequate distribution system capacity, inadequate storage capacity or drought including seasonal water shortages which repeatedly affect the same public water system; or
 - e) necessary repair or maintenance of the public water system.
15. Further, in response to a petition for a Declaration of a State of Water Supply Emergency, and pursuant to M.G.L. c. 21G, § 15, and 310 CMR 36.40(5), MassDEP may require the water supplier to submit, for its review and approval, a water supply emergency plan, including provisions for restraining the use of water by whatever means MassDEP deems appropriate and feasible. The duration of a Declaration of a State of Water Supply Emergency shall be for no more than six months, unless MassDEP determines that a longer state of water supply emergency is required to protect the public health, safety or welfare.
16. Pursuant to M.G.L. c. 21G, § 17, and 310 CMR 36.41(1), MassDEP may issue orders during a declared state of water supply emergency to, among other things, establish priorities for the distribution of any water or quantity of water use, to permit any person engaged in the operation of the water supply system to cease the distribution of water, to distribute water to certain users as specified by MassDEP, to require the implementation of specific water conservation measures and to purchase water from another public water system.

Determination and Order

17. For the reasons set forth above and pursuant to the Water Management Act, M.G.L. c.21G, § 15, MassDEP hereby determines that a water supply emergency exists and that it endangers the public health, safety or welfare of the citizens of the PWS. As such, MassDEP issues this Declaration of a State of Water Supply Emergency (“Emergency Declaration”) and Order.
18. Unless amended, terminated, or extended by MassDEP, this Emergency Declaration shall continue without interruption for six months from the date of issuance and shall expire on March 11, 2026, or until such time as MassDEP determines that emergency conditions no longer exist, whichever is sooner.
19. For the duration of this Emergency Declaration, Aquarion shall:

- a. Hereby have authority to obtain an alternate source of water from either a Department-approved source and/or a Massachusetts Department of Public Health-approved bottled water source. Aquarion shall ensure compliance with the Department's Policy 92-17 "Bulk Water Suppliers Sampling Requirements and Transport Responsibility". Aquarion is responsible to have available all documentation from the Bulk Water supplier such as written records of the names and contact numbers of the hauler, the quantity delivered per trip, the approved water source(s) used, dates and times of delivery, free chlorine residual at point of delivery, assurance by the hauler (or a representative of the receiving system at the fill site) that proper disinfection was performed for each trip, the chlorine dose at the fill point and the free chlorine residual, if taken, after filling, the completed Bulk Water Delivery Inspection Form for each tanker load received, any notes regarding the receiving tank, the Chain of Custody, as well as the bacteria sampling results for each delivery.
- b. Hereby have authority to obtain water from its emergency connection with the Town of Topsfield. Aquarion shall comply with any requirements of the Town of Topsfield governing emergency use of water connections.
- c. Follow all mandatory nonessential outside water restrictions as implemented by the Town of Topsfield for the duration of this Emergency Declaration. At a minimum, these restrictions shall include mandatory outdoor water use restrictions requiring the use of water cans, hand-held hoses, or drip irrigation only and limiting the hours for outdoor watering to before 9 a.m. and after 5 p.m. The use of spray irrigation systems or lawn sprinklers at any time is prohibited. For purposes of this Emergency Declaration, the term "nonessential outside water use" is defined to include those uses that do not have health or safety impacts, are not required by regulation, and are not needed to meet the core functions of a business or other organization. In addition, Aquarion shall encourage any conservation measures recommended by the Topsfield Water Department. Aquarion shall publish a notice to the consumers of the PWS informing them of these restrictions and shall submit a copy of the public notice to MassDEP within 10 days of the date this Emergency Declaration is executed.
- d. Provide by no later than two calendar days after the date of issuance of this Emergency Declaration, public notice to its customers through the Town of Boxford's Reverse-911 system, if available, or similar communication system of the issuance of this Emergency Declaration and the ban on all nonessential outdoor water use. Aquarion shall continue to notify customers by any additional means, including but not limited to sign boards, notices on websites and social media, as deemed necessary. If Aquarion has published notice in a local newspaper and/or on the Town of Boxford's website or by any other means, then Aquarion shall also submit a copy of the public notice to MassDEP within ten business days of publication of the notice.

- e. Provide a written report for review and approval by MassDEP on or before January 12, 2026, that includes a long-term plan to provide potable water to the PWS upon termination of this Emergency Declaration.
 - f. Shall comply with all terms and conditions of the Town of Topsfield's Registration #31729801, which remains unchanged by this Emergency Declaration.
- 20. MassDEP may amend or terminate this Emergency Declaration, on its own initiative or at the request of Aquarion upon a finding that the public health, safety or welfare is no longer endangered by a water supply shortage in all or part of the area to which the Emergency Declaration has been made.
 - 21. Pursuant to 310 CMR 36.42(2)(a), MassDEP may extend this Emergency Declaration, on the Department's own initiative or upon the written request of Aquarion if it determines that a longer state of emergency is required to protect the public health, safety and welfare in any or in part of the area served by the public water supplier.
 - 22. If Aquarion fails to comply with the provisions of this Emergency Declaration, MassDEP may assess a civil administrative penalty as provided in M.G.L. c.21A, § 16 and M.G.L. c.21G, § 14. MassDEP may also seek civil judicial penalties as provided in M.G.L. c.21G, § 14. Each day of continued violation shall constitute a separate offense. In addition, MassDEP may ask the Attorney General to bring an action in the Superior Court to compel compliance with this Emergency Declaration and Order.

Appeal Rights

- 23. Respondent is hereby notified that it has a right to an adjudicatory hearing on this Order. Pursuant to M.G.L. c. 21G, § 12 and 310 CMR 36.40(1) and effective twenty-one days after the Order is received by the Respondent, Respondent shall be deemed to have waived its right to an adjudicatory hearing on this order unless Respondent files with MassDEP (i.e. MassDEP receives), a written notice of claim for an adjudicatory appeal that clearly and concisely states every point of fact and law Respondent intends to raise as grounds for the appeal, the relief sought, and any additional information required by applicable law. The request must be mailed to:

Case Administrator
Office of Appeals and Dispute Resolution
Massachusetts Department of Environmental Protection
100 Cambridge Street, 9th Floor
Boston, MA 02114

And a copy sent to:

Heidi M. Zisch, Counsel
MassDEP-Office of General Counsel
150 Presidential Way, Suite 300
Woburn, MA 01801

The appeal must be accompanied by a valid check made payable to Commonwealth of Massachusetts in the amount of \$100.00 for the required filing fee. The filing fee must be mailed to:

Commonwealth of Massachusetts
MassDEP-Office of Appeals and Dispute Resolution
P.O. Box 4062
Boston, MA 02211

The filing fee is not required if the appellant is a city, town, county, or district of the Commonwealth of Massachusetts or a municipal housing authority.

Failure to pay the filing fee as required is grounds for dismissal of the request for hearing.

Waiver of filing fee: Upon a showing of undue financial hardship, MassDEP may waive the adjudicatory hearing filing fee. A person who believes that payment of the \$100.00 filing fee would be an undue financial hardship must file, together with the request for adjudicatory hearing as provided above, an affidavit setting forth the facts the appellant believes constitute the undue financial hardship.

Issued by the Department of Environmental Protection this 12th day of September 2025.

By Eric S. Worrall

Eric S. Worrall, Regional Director