Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
Department of Environmental Protection
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Maura T. Healey, Governor
Kim Driscoll, Lieutenant Governor
Rebecca Tepper, Secretary
Bonnie Heiple, Commissioner

November 18, 2026

Mr. Robert E. Ward, DPW Director
Haverhill Water Department
131 Amesbury Road
Haverhill, MA. 01830
VIA EMAIL: rward@HaverhillMa.gov

RE: City of Haverhill
PWS NAME: Haverhill Water Department
PWS ID #: 3128000
Water Supply Emergency Declaration and Order
UAO-00024440

Dear Mr. Ward,

The Massachusetts Department of Environmental Protection ("MassDEP") received a petition (the "petition") from the Haverhill Water Department of the City of Haverhill on November 5, 2026, 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, due to critical drought conditions, the Haverhill Water Department's ability to maintain a continuous supply of water to meet its demand has been compromised. As a result, Haverhill Water Department is seeking permission to implement a multipronged strategy that includes: construction and operation of an emergency interconnection with the City of Methuen; expediting the radial collector well ("RCW") that is currently in the permitting process and use of the RCW test well; and, approval to temporarily withdraw water directly from the Merrimack River.

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 Haverhill Water Department may operate an emergency interconnection with the City of Methuen and utilize an unpermitted source during the emergency.

MassDEP also notes that one of Haverhill's active water sources, the Round Pond (3128000-07S), was not included by Haverhill in its petition to 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, and that the petition did not account for any future precipitation volumes likely to occur over the next several months. This is of particular importance since as of November 9, 2026, the Northeast Region has moved from a Level 2 – Significant Drought to a Level 1 –

Mild Drought. MassDEP recognizes that site specific conditions may be differently impacted by drought and, therefore, conducted a site visit on November 17, 2026, in Haverhill to more closely observe the conditions.

In addition, the Merrimack River has never been and is not currently an approved emergency source for the Haverhill Water Department and has never been evaluated for use by Haverhill as a drinking water source. MassDEP acknowledges that the Merrimack River is used as a drinking water source for other municipalities; however, those water treatment systems were evaluated, piloted and permitted to construct and operate water treatment facilities that are specific to the Merrimack River as their source water. While Haverhill does operate a surface water treatment plant, the treatment at this plant is specific to its currently approved freshwater sources. Any change in those sources (i.e., directing Merrimack River water into Millvale Reservoir) has the potential to disrupt not only the water quality of the Millvale Reservoir but also the operation and chemical treatment of the Haverhill water treatment plant and, subsequently, the water quality within the distribution system. For reference of how severely detrimental a change in source water can be to a Public Water System ("PWS"), MassDEP reminds Haverhill of the widely publicized events of Flint, Michigan when the City of Flint switched from a lake to a river source causing severe distribution pipe corrosion, water quality excursions, and significant public health impacts.

Therefore, this Emergency Declaration does **not** authorize Haverhill to withdraw water directly from the Merrimack River at this time through a newly constructed intake pipe or by any other means for use as water supply source. However, the following actions may be taken by Haverhill to provide additional information to the Department for further consideration or approval:

a) Submission of design plans stamped by a Professional Engineer of the temporary intake and pump system necessary to withdraw water from the Merrimack River as well as a detailed raw water transmission main layout to the Millvale Reservoir.
b) Complete water quality monitoring analysis in accordance with the new source approval process for surface water sources as outlined in the Guidelines for Public Water Systems Chapter 3: Surface Water Supply Development. This shall also include monitoring and analysis for per- and polyfluoroalkyl substances ("PFAS") in accordance with EPA Method 537 or EPA Method 537.1 unless otherwise directed by MassDEP.
c) Detailed timeline and schedule for construction as well as anticipated withdrawal volume of Merrimack River water needed to replenish and stabilize the Kenoza Lake surface water source.
d) Proposed water quality monitoring plan and schedule that accounts for both water quality impacts to Millvale Reservoir from the transfer of Merrimack River water directly into Millvale Reservoir as well as source water impacts on the WTP efficacy. Details on jar testing and other analytical procedures such as salinity testing data within the Merrimack River should be provided to characterize and quantify water quality impacts throughout the surface water

bodies and the WTP.

Should conditions not significantly improve after implementing the actions authorized under this Emergency Declaration, and provided Haverhill conducts water quality analyses of the Merrimack River and can demonstrate it is compatible with the City's existing water treatment process, the Department may consider use of the Merrimack River on a temporary, emergency basis.

If you have any questions regarding this letter, please contact me at Eric.Worrall@mass.gov or 617-797-3757.

Sincerely,

Eric S. Worrall

Eric S. Worrall
Regional Director

E/CC:

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Duane Levangie, WMA Program Chief
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COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN THE MATTER OF:	RE: Haverhill - Public Water Supply Water Supply Emergency Declaration and Order, UAO 00024440
Haverhill Water Department	

I. 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 at 100 Cambridge Street, Suite 900, Boston, Massachusetts 02114. MassDEP maintains its Northeast Regional Office at 150 Presidential Way, Woburn, MA 01801.

2. The Haverhill Water Department (hereinafter referred to as "Haverhill"), is a public water supplier (“PWS,” PWS ID 3128000) having its principal place of business at 131 Amesbury Road, Haverhill, MA 01830. Haverhill’s mailing address for purposes of this Emergency Declaration is 131 Amesbury Road, Haverhill, MA 01830.

II. STATEMENT OF FACTS AND LAW

3. MassDEP received notification from Haverhill by email on November 5, 2026, of Haverhill’s impending inability to maintain a water supply of sufficient quantity and quality so as to protect the public health and safety of the Haverhill population served.

4. Haverhill operates a public water system within the City of Haverhill and serves approximately 61,277 persons year-round. Haverhill’s water supply currently consists of four active surface water sources. Crystal Lake (3128000-03S) and Millvale Reservoir (3128000-05S), are both pumped to the terminal reservoir Kenoza Lake (3128000-01S) as needed to maintain its volume. The Round Pond (3128000-07S) also feeds Kenoza Lake through a pipe by gravity. The water from Kenoza Lake is treated at Haverhill’s Water Treatment Plant (WTP) located on the shore of Kenoza Lake, which includes dissolved air

flotation, automatic backwash sand filtration, granular activated carbon filtration and chemical addition of potassium permanganate, aluminum sulfate, sodium hypochlorite, sodium hydroxide, sodium silicofluoride, and zinc orthophosphate.

5. Haverhill holds both a Water Management Act ("WMA") Registration Statement (31312802) and a WMA Permit (9P231312801) to withdraw from surface water located in one watershed basin: Merrimack River Basin 13 at a total average volume of 7.10 million gallons per day ("MGD").

6. By letter to MassDEP dated November 5, 2026, Haverhill provided the following reasons for its request for a State of Water Supply Emergency.

    A. Haverhill's water supply currently consists of three active surface water sources: Crystal Lake (3128000-03S) and Millvale Reservoir (3128000-05S) that are pumped to Kenoza Lake (3128000-01S) as needed to maintain its volume. (There is another, fourth active water source, the Round Pond, that was not included by Haverhill in its petition to 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.)

    B. Over the last two years, water levels in Haverhill's cited three active surface water sources that are noted above in Paragraph 6.A. have been steadily dropping and are unable to be returned to normal operating levels due to the ongoing drought conditions. This has resulted in a current elevation of 97 feet at Kenoza Lake. The intake pipe elevation at Kenoza Lake is 83.5 feet. During normal conditions, Kenoza Lake is at an elevation of 114.5 feet. Crystal Lake is similarly depleted and currently only has water available to contribute an average of one to two MGD. In addition, Millvale Reservoir has now dropped to critically low levels and has been taken out of service due to the lack of inflow.

    C. Haverhill's current average and maximum daily demands are approximately 5.6 and 7.8 MGD, respectively. Haverhill has projected the remaining supply capacity to be depleted in approximately four (4) months.

    D. Haverhill has been diligent and committed to extensive conservation practices resulting in a current 51 gallons per capita day and unaccounted for water between 3.9%-13% over the past five years. Haverhill has also undertaken the following initiatives: triennial leak detection surveys, improved master metering and meter replacement programs, water use restriction ordinance update and enforcement, WTP upgrades to improve efficiency including process water recycling, low-flow water fixtures made available to residents and businesses, and a soon-to-be-proposed tiered-rate system.

E. Haverhill conducted a supplemental water supply alternatives analysis that included: expediting the Radial Collector Well (RCW) project; temporary interconnections with adjacent communities; utilization of the existing RCW test well and possible construction of additional test wells; temporary portable treatment installation and use of the Johnson's Pond emergency source (3128000-02S); installation of another raw water intake at Kenoza Lake at greater depth; and, a temporary direct intake from the Merrimack River at the RCW project site at 309 East Broadway to deliver approximately 9 MGD of water directly to Millvale Reservoir.

F. Haverhill noted that the combination of options including the City of Methuen ("Methuen") interconnection, use of the RCW test well, and activation of Johnson's Pond, the latter of which would provide 2.5 MGD at substantial cost, is insufficient to stabilize the reservoir supply system.

G. Haverhill requested approval to install a temporary intake and pumping system to provide up to 9 MGD from the Merrimack River through 4,600 linear feet of raw water main that will be constructed from the RCW project site to the Millvale Reservoir. Haverhill anticipates installation of the raw water main, which will be necessary for use of the RCW once that is approved, and estimates that it will be under construction by early 2027. Haverhill is also evaluating installation of temporary overland raw water piping for use as a contingency plan.

7. At 3:16 PM on November 5, 2026, Haverhill 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. Haverhill's petition also requested to meet with the Department to discuss their request, which occurred on November 9, 2026. Haverhill's request was made in order to gain authorization for actions that will maintain a continuous supply of water to meet demand by stabilizing the reservoir system to address the impending threat to the public health and welfare of its citizens.

8. On November 17, 2026, MassDEP Drinking Water Program (DWP) staff conducted a site visit with Haverhill water department staff, confirming depleting reservoir sources necessitating issuance of this Emergency Declaration.

9. 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.

10. 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."

11. 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.

12. 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.

III. DETERMINATION AND ORDER

13. For the reasons stated and set forth above and pursuant to M.G.L. c. 21G, § 15, and 310 CMR 36.40(2), MassDEP hereby determines that a water supply emergency is impending within the area served by the Haverhill and that it endangers the public health, safety or welfare of the persons currently served by Haverhill. As such, MassDEP issues this Declaration of a State of Water Supply Emergency ("Emergency Declaration") and Order.

14. 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 May 18, 2027.

15. For the duration of this Emergency Declaration, Haverhill shall:

a) Maintain and enforce a mandatory total ban on any nonessential outdoor water use for the duration of this Emergency Declaration. For the purposes of this Emergency Declaration, the term "**nonessential outside water use**" is defined in 310 CMR 36.03 as meaning a use that is not required:

- for health or safety reasons, including public facilities used for cooling such as splash pads and swimming pools, and for washing of boats, engines, or marine equipment to prevent negative saltwater impacts or the transfer of invasive aquatic species;
- by permit, license, statute or regulation;
- for the production of food, including vegetable gardens, and fiber;
- for the maintenance of livestock;
- to meet the core functions (those functions essential to the commercial operations) of a business, including but not limited to:

    1. plant nurseries as necessary to maintain stock;
    2. golf courses as necessary to maintain greens and tees, and limited fairway watering per 310 CMR 36.07(2)(c)2.a. through c.;
    3. venues used for weddings or similar events that limit watering to hand-held hose or drip irrigation as necessary to maintain gardens, flowers and ornamental plants;
       professional washing of exterior building surfaces, parking lots, driveways and/or sidewalks as necessary to apply surface treatments such as paint, preservatives, stucco, pavement, or cement in the course of construction, reconstruction or renovation work;

- for irrigation of public parks before 9:00 A.M. and after 5:00 P.M.,
- for irrigation of public and private recreation fields, including those operated by schools, colleges, universities and athletic associations, before 9:00 A.M. and after 5:00 P.M.,

- for irrigation of publicly funded shade trees and trees in the public right-of-way; or
- to establish a new lawn as necessary to stabilize soil in response to new construction or following the repair or replacement of a Title 5 system.

b) **No later than two (2) calendar days** after the date of issuance of this Emergency Declaration, Haverhill shall provide public notice to its customers throughout the City, via available communication systems (such as a Reverse 911 system), of the issuance of this Emergency Declaration and the ban on all nonessential outdoor water use. Haverhill 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 Haverhill has published notice in a local newspaper and/or on the City website or by any other means, then Haverhill shall also submit a copy of the public notice to MassDEP within ten (10) business days of publication of the notice.

c) **By Monday, November 23, 2026**, Haverhill shall submit to MassDEP in writing the elevation levels of the Round Pond source including all details regarding its use and any operational challenges to supply water to Kenoza Lake.

d) For the duration of this Emergency Declaration, Haverhill shall submit to MassDEP a written progress report **every two weeks** or as otherwise directed by MassDEP on the capacity status of the reservoir system, daily pumping per source, efforts to control demand on the Public Water System and by private well owners (if applicable), systemwide water use, fire protection emergencies, and distribution pressure loss. The first written progress report shall include all pipe elevations from all active surface water sources including Round Pond as well as full and current reservoir levels. Subsequent progress reports shall also include both the weekly and monthly precipitation summary data from the Massachusetts Drought Resources Dashboard for the Northeast Region and any other applicable precipitation data as well as data source that Haverhill determines is relevant to the specific area.

e) For the duration of this Emergency Declaration and with Methuen's approval, the Department authorizes Haverhill to install and operate an emergency interconnection with the Methuen Water Department (PWS ID # 3181000). Haverhill shall use the temporary emergency interconnection of approximately 200 linear feet between the two existing vaults located off of

Merrimack Street/Route 110/113. Haverhill is also authorized to mobilize and install all equipment necessary for this above ground interconnection. Haverhill shall ensure that design plans that are stamped by a Professional Engineer are submitted to the Department within five (5) business days of emergency interconnection completion prior to interconnection operation. Furthermore, Haverhill shall do the following:

i. The interconnection shall be equipped with a totalizing flow meter.
ii. Haverhill shall maintain records of all water pumped from the emergency interconnection as required under the Regulations during the duration of this Declaration and provide those records to the Department upon request.
iii. Haverhill shall ensure that an intermunicipal agreement is in place between Haverhill and Methuen that outlines all conditions for use including volume as well as all maintenance requirements and emergency repairs of the interconnection appurtenances. Haverhill shall ensure routine inspections are sufficient to ensure the safety of the exposed equipment. A copy of the intermunicipal agreement shall be provided to the Department upon request.
iv. Within 24 hours of the interconnection activation, Haverhill shall conduct a full set of bacteriological sampling with chlorine residual measurements and water quality parameters (minimum to include pH, temperature, orthophosphate, conductivity, and alkalinity) at all approved coliform sampling locations. Results shall be reported to MassDEP as soon as available but no more than 24 hours after receipt by Haverhill.

f) For the duration of this Emergency Declaration, the Department authorizes Haverhill to utilize the RCW temporary large diameter test well located on the RCW project site prior to formal approval of the RCW permanent source subject to the following conditions:

i. Withdrawal volume from this temporary test well shall not exceed greater than 0.6 MGD and shall be directed solely to the Millvale Reservoir;
ii. Baseline monitoring of the Millvale Reservoir shall occur prior to use of the temporary test well that includes but is not limited to Calcium, Chloride, Hardness, Iron, Manganese, Magnesium, pH, PFAS, Potassium, Sodium, Dissolved and Total Organic Carbon.
iii. Within sixty (60) days of issuance of this Emergency Declaration, Haverhill shall submit a Water Management Act permit application for the RCW project;
iv. Within one hundred twenty (120) days of issuance of this Emergency Declaration, Haverhill shall submit all necessary filings with MEPA for

the RCW project;

v. Haverhill shall discontinue use of this temporary test well source should either Millvale Reservoir or Kenoza Lake elevations reach 44' and 114' respectively; and,
vi. During use of the temporary test well, Haverhill shall conduct dual sample sets of both the raw and finished WTP water at a minimum monthly frequency for Iron, Manganese, and PFAS6.

g) Due to the change(s) in source use allowed under this Emergency Declaration, Haverhill shall be required to increase Lead and Copper Rule ("LCR") sampling to verify that the change(s) are operating consistently with the corrosion control strategy and LCR results remain below the Action Levels. Haverhill shall initiate LCR sampling at all sites in accordance with its approved LCR Sampling Plan after activation of any new source into the Haverhill system between January through June 2027 and July through December 2027. All LCR sampling results shall be submitted to the Department through eDEP by July 10, 2027, and January 10, 2028, respectively.
   i. Haverhill shall conduct monthly water quality parameters monitoring to include pH, temperature, orthophosphate, conductivity, and alkalinity at all approved coliform sampling locations, as well as biweekly monitoring at the WTP entry point until otherwise directed by MassDEP.

h) All sample collection, handling, preservation, and analysis shall be conducted in accordance with the procedures referenced or defined in 310 CMR 22.00. All sample results shall be submitted to MassDEP through eDEP as soon as they are available or as otherwise noted in this Emergency Declaration.

i) On or before the Emergency Declaration expiration date of May 18, 2027, Haverhill shall submit to MassDEP a written report documenting all efforts taken by Haverhill to implement and enforce the ban on nonessential outdoor water use and efforts taken to encourage customers to minimize indoor water use required herein, including all actions taken by Haverhill to inform its customers of the ban and to enforce the ban, including the assessment of penalties or imposition of fines. The report shall also describe water use trends over the period of the emergency, describe progress and the status of any and all other water conservation programs being implemented by Haverhill and include all water monitoring conducted during the term of this Emergency Declaration. Haverhill shall submit copies of all materials and notices prepared to inform the public of the need to conserve water and comply with the ban on nonessential outdoor water use.

j) Haverhill shall comply with all terms and conditions of its Water Management

Act Permit and Registration, which remain unchanged by this Emergency Declaration.

k) Haverhill shall ensure that all construction, operation, and maintenance of all actions taken in response to this Emergency Declaration shall be performed in compliance with all other applicable local, state and federal laws and regulations. This approval does not relieve the owner or operator of this PWS from complying with all other applicable local, state and federal requirements, licenses and permits.

l) **By December 31, 2026**, Haverhill shall submit a water supply emergency plan, which considers the provisions at 310 CMR 36.40 (5), for MassDEP's review and approval. The plan shall include provisions the Department deems appropriate and feasible to remedy the state of emergency, such as:
   - permanent interconnection construction with Methuen or other adjacent communities for purchasing water from another public water system;
   - a program for overall system rehabilitation that includes evaluation of all currently approved emergency sources to include Johnson's Pond (3128000-02S), Chadwick Pond (3128000-04S) and Hovey's Pond (3128000-06S) as well as evaluation of raw water transmission lines to the WTP versus new WTP construction;
   - all bathymetric studies available or planned for Haverhill surface water bodies;
   - an approved water resources management plan;
   - a leak detection program;
   - a program for auditing water use;
   - conservation programs for public and private buildings;
   - bans or restrictions on certain water uses;
   - water banking;
   - moratorium on the issuance of building permits;
   - a plan for establishing priority for distribution of water among competing uses; and
   - a drought management or contingency plan.

   Haverhill shall implement the MassDEP-approved water supply emergency plan, as directed by MassDEP.

16. MassDEP may amend or terminate this Emergency Declaration, on its own initiative or at the request of Haverhill, 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. Haverhill shall submit any request for

amendment to this Emergency Declaration in writing with supporting information to the Department.

17. 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 Haverhill, if it determines that a longer state of emergency is required to protect the public health, safety and welfare in all or part of the area served by the public water supplier.

18. If Haverhill fails to comply with the provisions of this Emergency Declaration and Order, MassDEP may assess a civil administrative penalty to the PWS, 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 Massachusetts Attorney General to bring an action in the Superior Court to compel compliance with this Emergency Declaration and Order.

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION

DATE: November 18, 2026

BY: Eric S. Worrall
Eric S. Worrall,
Regional Director