

**Article 1** BOARD OF HEALTH PRIVATE WELL REGULATIONS

Sec. 1.1 PURPOSE

The purpose of this regulation is to insure housing units, not accessible to the public water supply, of safe drinking water from private wells, and to insure the safe destruction of abandoned private wells and to provide for the protection of the Town of Montague's groundwater resources. Private well contamination in the past has led to exposure to contaminated drinking waters.

Sec. 1.2 AUTHORITY

Mass. General Law Chap. 111, Sec. 31, 122, 122A, 127, 143, 155, 187, 188 (CMR) 11.02. "Board of Health may make reasonable health regulations and Mass. General Law Chap. 40, Sec. 54 requires that "no building permit be issued to a property without a potable water supply. Water Supply Officials are responsible for regulating and monitoring public water." The regulation of private wells is the responsibility of Local Boards of Health.

Sec. 1.3 DEFINITIONS

- a. Board of Health - so used in these regulations shall refer to the Board of Health, or its authorized Agent.
- b. Private Well - any non-public well serving less than 15 houses and serving fewer than 25 people as defined in 310 CMR 22.02.
- c. Well - so used in these regulations shall include any dug, driven or drilled well, or any other source of water, to be used for the purpose of supplying potable drinking water in the town.
- d. Well Driller - any person, association, partnership, company, corporation, or trust that constructs a well and is licensed by the Department of Environmental Management Office of Water Resources.
- e. Water Supply Certificate - a certificate issued by the Board of Health which authorized the use of a private well as a supply of drinking water.
- f. Abandoned Well - a private well that has not been used for drinking water for a period of one year or more and which the owner declares in writing to permanently discontinue for supply water.

Sec. 1.4 PERMISSION TO CONSTRUCT OR DESTROY A PRIVATE WELL

A private well construction or destruction permit shall be obtained from the Board of Health prior to construction or destruction of any private well.

Sec. 1.5 REGISTRATION OF WELL DIGGERS AND DRILLERS

No person shall construct or destroy a private well within the boundaries of the Town unless registered with the Department of Environmental Management Office of Water Resources as required by state regulation 313 CMR 3.00 Water Well Registration as of 8/27/81. A copy of the well driller's license must accompany applications for permit.

Sec. 1.6 LOCATIONS OF WELLS

- a. Well location criteria shall include the following minimum lateral distances from the well site to the following: \*1

Sub-surface sewage disposal field (In use, abandoned or reserve arena)	100 feet *2
Cesspool - Seepage Pit	100 feet *2
Septic Tank	50 feet *2

Sewer Line with watertight joints	25 feet
Defined Property Line	25 feet
Public Way (from defined property line)	50 feet
Sub-surface fuel storage tank	150 feet
Driveways	
Swamps, marshes, wetlands, floodplains,	
Brooks, streams, ponds lakes, or seasonal streams	25 feet *3
Dwelling or other structures	25 feet
Surface or subsurface drains	25 feet
Utility Right of Way	100 feet

\*1 See 1.7 (F) - for well construction and location modifications.

\*2 If the percolation rate for the subsurface sewage disposal system is 2 minutes per inch or less. A 150-foot separating distance from the leaching system and 75 feet separating distance from the septic tank must be met.

\*3 This distance shall be measured laterally from the high water mark of wetland determination boundary. Any work proposed in a wetland buffer zone shall require permission of the local Conservation Commission prior to issuance of a permit to construct a well.

- b. Where deemed necessary or appropriate by the Board of Health, the above distances may be increased, or reasonable means of protection may be required or both. The Board may impose minimum lateral distance requirements from other potential sources of contamination not listed above. All such requirements shall be added by the Board as conditions of the well construction permit.
- c. The generalities of the aforesaid notwithstanding no one shall position, locate, drill or dig a well or cause the same to be done in such a manner as to limit the use or enjoyment of any neighboring property in any manner whatsoever.

Sec. 1.7 APPLICATION PROCEDURE

- a. An application for a well construction or destruction permit shall be submitted by the property owner's agent to the Board of Health, on a form provided by the Board of Health.
- b. The map & plot number, the location of the existing or proposed private well, to be destroyed or constructed, and a general summary of any possible sources of contamination shall be submitted to the Board of Health with the permit application.
- c. The application for a well construction permit shall be accompanied by an extended plot plan which will show dimensions from a distance of within two hundred feet (200') of the proposed well site to the following: \*3 ( see asterisk above)
  - 1. Existing and proposed structures.
  - 2. Surface waters and surface drainage courses.
  - 3. Subsurface sewage disposal fields, trenches, or pits and adjoining septic tanks or cesspools.
  - 4. Subsurface fuel storage tanks.
  - 5. Other potential sources of pollution an experienced well driller should reasonably be expected to recognize.
  - 6. Property lines.
  - 7. Public way.
  - 8. Topographically, the well should be located above the elevation of any proposed septic system or known source of contamination within reason.
- e. The Board of Health will charge a fee that is consistent with the annual fee schedule that is revised annually to be effective each year on January 1, for a well construction or well destruction permit.

- f. The Board of Health may require well location and construction modifications where reasonable health threats exist or when unusual hardship exists and equivalent water quality protection may be provided.
- g. Well construction may proceed upon approval of application permit.
- h. All permits for well construction and destruction shall expire at the end of twelve (12) months from the date of issuance.

Sec. 1.8      REPORTS TO THE BOARD OF HEALTH REQUIRED FOR A WATER SUPPLY CERTIFICATE

The following shall be required for a water supply certificate, which shall be required for the operation of a new well and /or the issuance of a building permit.

a. For homes, which will be served by private wells, the following must be provided within thirty (30) days of well completion.

- \*Best available adjacent plot information will be required. Acceptable information sources shall include Board of Health records, on site inspection records or other official records.
1. A completed and approved application permit referred to in Sec. 1.7
  2. Well construction permit issued by the Board of Health to document that the application has been approved.
  3. A copy of the Water Well Completion Report as required by the Massachusetts Water Resources commission is to be provided by the well driller.
  4. Water Quality Analysis , conducted by a DEP Approved Laboratory, that meets the minimum acceptable standards listed below.

Coliform bacteria*		none detected
Sodium	(Na)	20 mg/l
Chloride	(Cl)	250 mg/l
Nitrate Nitrogen*	(NO <sup>3-</sup> - N)	10 mg/l
Nitrite Nitrogen*	(NO <sup>2-</sup> - N)	0.001 mg/l
Iron	(Fe)	1.3 mg/l
Manganese	(Mn)	0.05 mg/l
pH		6.5 - 8.5
Total Hardness		180 mg/l
Turbidity		5 units
Color		15 units

- \* No variances may be granted on these primary standards of the *Safe Drinking Water Act*.

The Board may require additional or repeated tests where, in the opinion of the Board, it is necessary for the protection of the public health, safety and welfare.

The results of such tests, shall also be provided to the owner of the property to be served by the well and all tests shall be performed by DEP approved laboratory. The Board of Health may require additional water quality tests where reasonable contamination threats are known to exist.

5. A certificate of yield provided by the well driller stating that the water quantity standards required below have been met.
  1. Yield test pumping shall be conducted at a rate at least equal to the pumping rate expected during normal well use and shall be conducted for the minimum of four hours.
  2. The required minimum well yield will vary depending on the depth.  
Of the well. Overall, a well is required to yield 110 gallons/bedroom/day as per Title V. In specifics; the minimum well yield shall conform to the following table:

<u>Depth of Well</u>	<u>Gallon/min. for 4 hrs.</u>
0 - 150 feet	4.0
150 - 200 feet	3.0
200 - 250 feet	2.0
250 - 300 feet	1.0
300 - and deeper	0.5

#### Sec. 1.9 ADOPTION OF GUIDELINES

The Board of Health includes the DEP Draft Requirements for the construction of private wells a part of the Private Well Regulation.

A well that is abandoned shall be destroyed pursuant to applicable laws and regulations to protect the ground water supply and to eliminate potential physical hazard.

All abandoned wells shall be destroyed in compliance with the draft Minimum Requirements for the Construction of Private Wells.

Sec. 16.15, as written by the DEQE draft requirements constitute part of these regulations and are incorporated herein by reference.

#### Sec. 1.10 PENALTY

Whosoever violates any of these rules and regulations shall upon conviction be fined not less than ten dollars (\$10) nor more than five hundred (\$500). Except when otherwise provided by law.

#### Sec. 1.12 AMENDMENTS

These regulations or any portion thereof may be amended, supplemented or repealed from time to time by the Board, with notice as provided by law, on its own motion or by petitions.

#### Sec. 1.13 INVALIDATION BY STATE LAW

Any part of these rules and regulations subsequently invalidated by a new state law or modification of an existing state law shall automatically be brought into conformity with the new or amended law and shall be deemed to be effective immediately, without recourse to a public hearing and the customary procedures for amendment or repeal of such regulation.

Sec. 1.14 AGENT

An agent of the Board of Health is any person authorized in writing by the Board to act under these regulations. No agent may vary any provision of these regulations without the approval of the Board. Wherever reference is made in these regulations to "Board of Health" or "Board" it shall mean the Board of Health of the Town of Montague or its authorized agent.

Sec. 1.15 VARIANCE

1. The Board of Health may vary the application of any provision of these regulations with respect to any particular case when, in the Board's opinion, both of the following conditions are fulfilled:
  - a) The enforcement thereof would do manifest injustice; and
  - b) The applicant has proven that the same degree of environmental protection, and protection of the public health, safety and welfare can be achieved without strict application of the particular provision. The alternative means of protection shall be detailed and documented by the satisfaction of the Board.
2. Every request for a variance shall be made in writing and shall state the specific variance sought and the reasons therefore.
3. Any variance granted by the Board shall be in writing. Any denial of variance shall also be in writing and shall contain a brief statement of the reasons for denial. A copy of each variance shall be conspicuously posted for (30) days following its issuance and shall be available to the public at all reasonable hours. No work shall be done under any variance until 30 days elapse from its issuance, unless the Board certifies in writing that an emergency exists.
4. Any variance may be subject to such qualification, revocation, suspension, condition, or expiration as is provided in these regulations or as the Board expresses in its grant of the variance. A variance may otherwise be revoked, modified or suspended, in whole or in part, only after the holder thereof has been notified in writing and has been given the opportunity to be heard, in conformity with the requirements of Title 1 of the State Environmental Code (310 CMR 11.00) for orders and hearings.
5. No variance may be granted for: A new well installed on a new building lot for the distance between leach field and well as specified in section 1.6(a) or for water quality standards as specified under section 1.8(4).