

TOWN OF UPTON MASSACHUSETTS PRIVATE WELL REGULATIONS

1.0 Purpose and Authority

These regulations are intended to promote the public health and general welfare by ensuring that wells are constructed and maintained in a manner which will protect the quality and quantity of the groundwater derived from wells. These regulations are adopted by the authority of Chapter 111, Section 31, M.G.L.

1.1 Definitions

As used in these regulations, the following terms shall be defined and interpreted as follows:

Abandoned water well - A well that has not been used for a water supply for a period of one (1) year or more.

Agent - Upton Board of Health, as provided by Mass. General Laws, Chapter 111, Section 27A.

Applicant - Any person who intends to have a private well constructed

Aquifer - water bearing geologic formation that contains water in sufficient quantities to potentially supply a well for drinking water or other purposes.

Certified Laboratory - Any laboratory, which has full certification by the Department of Environmental Protection as, provided in the most recent edition of "Certification Status of Commercial Environmental Laboratories".

Irrigation well - A well not intended for human consumption, which is not connected to a domestic water supply line used or potentially used for human consumption.

Person - An individual, corporation, company, association, trust or partnership.

Potable water - Water that is satisfactory (as defined under Section 8: Water Quality) for drinking and for culinary and domestic purposes.

Pumps and pumping equipment - Any equipment or materials used or intended for use in withdrawing or obtaining water, including, without limitation, pumps, seals and tanks, together with fittings and controls.

Pumping Test - A procedure used to determine the characteristics of a well and adjacent aquifer by installing and operating a pump.

Regulating agency - Upton Board of Health.

Static Water Level - The level of water in a well under normal, undisturbed, no-pumping conditions.

Structure - A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, fence or the like.

Well - An excavation or opening into the ground made by digging, boring, drilling, driving, or other methods, for the purpose of providing a water source.

Well driller - Any person who is licensed by the Water Resources Commission (as defined by Chapter 620 of the Acts of 1956, as amended) to construct wells.

Well Seal - An approved arrangement or device used to cap a well or to establish and maintain a junction between the casing or curbing of a well and the piping or equipment installed therein. The purpose of which is to prevent pollutants from entering the well at the upper top end.

2.0 Requirement for Private Wells

- 2.1 No well shall be deemed a source of *potable* water unless it is constructed in accordance with these regulations.
- 2.2 No well shall be destroyed except in accordance with these regulations.
- 2.3 No occupancy of the facilities, which the potable well is to serve may be permitted until the well is installed, completed, and inspected and has been demonstrated to supply water of the quality and quantity specified herein.
- 2.4 For each well constructed after the effective dates of these regulations, there shall be:
 - a. a well construction permit application;
 - b. a well construction permit;
 - c. a water quality analysis;
 - d. a well drillers report;
 - e. a certificate of compliance issued by the BOH
- 2.5 For each well destroyed after the effective date of these regulations, there shall be:
 - a. a well destruction permit application;
 - b. a statement of well abandonment from the owner;
 - c. a well permit;
 - d. a well driller's report of destruction.

3.0 Well Construction or Destruction Permits

- 3.1 No person shall engage in the business of constructing or destroying a well within the Town under these regulations unless registered as a well driller with the Water Resources Commission, pursuant to 313 CMR 3.00.
- 3.2 The property owner or his designated representative shall obtain a permit for either construction or destruction from the Board of Health prior to the commencement of construction or destruction of a private well.

- 3.3 A non-refundable application fee will be charged to the applicant at the time of submission of the permit application. The amount of the fee will depend upon the current approved fee schedule.
- 3.4 A well construction or destruction permit shall expire if the work authorized by it is not completed within one year of the date of issuance of the permit. The Upton Board of Health may issue a 1 year extension to the permit upon written request explaining the reason for the delay. Only one extension shall be granted.
- 3.5 Each permit application to construct a well shall include the following:
- a. The property owner's name and address.
 - b. The well driller's name and proof of valid state registration. (certification number as it appears on the Water Resources Commission certificate)
 - c. A plot plan (drawn to scale) shall be submitted with the application for a well permit to the Board of Health indicating the proposed location of the well, all buildings, boundary lines, septic systems (within 100 feet), other wells (within 100 feet) and sewer lines (within 100 feet). The scale of the plan shall be either 1"=20', 1"=30', 1"=40', or 1"=50, and preferably on a sheet 8 ½" x 11".

4.0 Emergency Repair

For emergency repair, alteration, or replacement of an existing well the Upton Board of Health may waive the requirement of these regulations for dwellings, which were in existence prior to the effective date of this regulation.

5.0 Well Location

- 5.1 In establishing the location of a new well, the well owner and/or the driller shall to the best of their ability, identify any and all sources of potential contamination (agricultural fields, animal feed lots, beauty salon, dry cleaner, funeral home, furniture stripper/refinisher, gasoline/service stations, fuel depot, automotive junk yard, railroad line or yard, etc.), which exist within 500 feet of the proposed well site.
- 5.2 No private well, or its associated distribution system, shall be connected to the distribution system of a public water supply system.
- 5.3 The Board reserves the right to impose minimum lateral distance requirement from other potential sources of contamination not listed below. All such special well location requirements shall be listed, in writing, as a condition of the well construction permit.

5.4 Setbacks

Source of Contamination	Minimum Distance (feet)
hazardous waste spill site	400
leaching facility	100
neighboring or adjacent well	50
cesspool	100
privy or outhouse	100
wetland, bordering vegetated wetland and surface water of any type (as defined in Title 5, 15.002 Definitions)	100
septic tank	50
sewer line/ <u>force main</u>	50
normal driving surface	25
Swimming pool, in-ground or above ground, to edge of water	25
building footprint	20
property line	10

6.0 Water Quantity Requirements

- 6.1 Every well used as a potable supply shall supply a sufficient quantity of water to meet the ordinary needs of the users, and shall yield a minimum of five gallons per minute during a four hour pump test.
- 6.2 All demands for water shall be provided from storage in a pressure tank.
- 6.3 Within 30 days after the completion of the construction of any well, the well driller/digger shall submit to the Upton Board of Health a report containing the following information:
- The name of the well owner.
 - The address of the property serviced and/or the lot number and or definitive plot plan assigned number as assigned by the Assessor's office;
 - The depth, size and method of construction of the well.
 - The static water level.
 - The yield of the well after 4 hour pumping test.
 - The well driller's log information.
- 6.4 The well driller's report shall be signed by an authorized representative and shall constitute a statement of compliance with all requirements of these regulations. This will satisfy the requirement of the certificate of compliance to be issued by the Board of Health.

7.0 Disinfection requirements:

- 7.1 Upon completion of construction, rehabilitation, or pump repair, the well shall be disinfected with a solution containing at least 100 mg/l available chlorine. The well shall remain in contact with the chlorine solution for a minimum of 24 hours. Upon completion of disinfection, the licensed service must supply supporting documentation.

8.0 Water Quality

- 8.1 After the well has been completed and disinfected, and prior to using it as a drinking water supply, a water quality test shall be conducted within a reasonable time determined by the Board of Health (1 – 4 weeks).
- 8.2 A water sample shall be collected after the disinfection procedure. The testing laboratory or independent contractor shall take one sample from a tap in the dwelling (kitchen or bathroom) before occupancy. The testing laboratory or independent contractor shall maintain the necessary chain-of-custody. It is recommended that a sample also be taken from the well once installation is completed.
- 8.3 The water quality test, utilizing EPA approved methods for drinking water testing (not methods used for analyzing wastewater), shall be conducted by a certified laboratory and shall include analysis for the following minimum parameters:
- 8.4 A bacteriological test indicating a 0 per 100-ml coliform density shall be required. A total bacteria count shall be determined at 35 degree C. If the total bacteria count is greater than 0, the well and water system shall be disinfected and retested for total bacteria count.
- 8.5 Chemical and physical analyses shall be required. Analyses shall be performed for at least the following: Volatile organic compounds (EPA 524.2 or equivalent), pH, color, odor, turbidity, iron, manganese, ammonia nitrogen, nitrite nitrogen, nitrate nitrogen, alkalinity, total hardness, sodium, chlorides, arsenic, and lead and in wells through bedrock, radon.
- 8.6 Water, which does not meet the accepted standards of agencies of the State or Federal Government for potable water supplies, shall be grounds for the rejection of the well.

9.0 Decommissioning Well

- 9.1 A well that is abandoned shall be destroyed to protect the groundwater supply and to eliminate potential physical hazards. Wells shall be sealed with a non-hazardous, impervious material, which shall be permanently in place. All exposed casing materials, pumping equipment, and distribution lines shall be removed. The excavation shall be returned to the existing grade of the surrounding land. A record of abandonment shall be kept in accordance with these regulations.
- 9.2 The owner of the private well shall decommission the well if the well meets any of the following criteria:
- a. Construction of the well is terminated prior to the completion of the well.

- b. The well owner notifies the Board that the use of the well is to be permanently discontinued.
- c. The well has, after extended use, been out of service for at least two years.
- d. The well is a potential hazard to public health or safety and the situation cannot be corrected.
- e. The well is in such a state of disrepair that its continued use is impractical.
- f. The well has the potential for transmitting contaminants from the land surface into an aquifer or from one aquifer to another and the situation cannot be corrected.

10.0 Well Destruction Requirement

- 10.1 The following information shall be submitted with each well destruction application, prior to the issuance of a permit:
- a. The specific location of the well to be destroyed.
 - b. The design and construction of the well to be destroyed.
 - c. A written statement from the owner that the well is abandoned.
- 10.2 Within 30 days after the destruction of any well, the well driller shall submit to the Upton Board of Health a report containing the following:
- a. The name of the owner of the well.
 - b. The address of the property served.
 - c. Method of sealing, including materials used.
 - d. Person or persons sealing the well and date of the sealing of the well
- 10.3 The well driller's report shall be signed by an authorized representative and shall constitute a statement of compliance with all requirements of these regulations. This will satisfy the requirement of the certificate of compliance to be issued by the Board of Health.

11.0 Registration of Older Wells

- 11.1 Private wells installed prior to the adoption of these regulations must be registered with the Board of Health on a form provided by the Board specifically for the registration of wells.
- 11.2 As a minimum registration of a well, the name of the property owner, street address or the assessors map showing well location and lot number are required

12.0 Enforcement

- 12.1 The Board of Health shall investigate violations of these regulations and/or violations of any Water Supply Certificate conditions, and may take such actions as the Board of Health deems necessary for the protection of the public health and the enforcement of these regulations.
- 12.2 If an investigation reveals a violation of these regulations, or the Water Supply certificate conditions, the Board of Health shall order the private well owner to comply with the violate provisions.

12.3 These orders shall be in writing and served in the following manner:

- a. By sending the well owner a copy of the order by registered or certified mail, return receipt requested, if the well owner is within the Commonwealth, or;
- b. If the well owner's last and usual place of abode is unknown or outside the Commonwealth, by posting a copy of the order in a conspicuous place on or about the premises and by advertising it for at least three consecutive days in one or more newspapers of general circulation within the Town of Upton.

13.0 Hearing

- 13.1 The private well owner to whom any order has been served may request a hearing before the Upton Board of Health by filing a written petition with the Board within 7 days after the day the order was served. Upon receipt of such petition, the Board shall set a time and place for such hearing and shall inform the well owner thereof in writing. The hearing shall be commenced no later than 30 days after the day on which the order was served. The Board, upon application of the well owner, may postpone the date of hearing for a reasonable time beyond such 30 day period if in the judgment of the Board the well owner has submitted a good and sufficient reason for such postponement. At the hearing the well owner shall be given an opportunity to be heard and to show why the order should be modified or withdrawn. After the hearing, the Board shall sustain, modify, or withdraw the order and shall inform the well owner in writing of its decision. If the Board sustains or modifies the order, it shall be carried out within the time period allotted in the original order or in the modification.
- 13.2 Every notice, order, or other record prepared by the Board of Health in connection with the hearing shall be entered as a matter of public record in the office of the Board of Health.
- 13.3 If a written petition for a hearing is not filed with the Board within 7 days after the day an order has been served or if after a hearing, the order has been sustained in any part, each day's failure to comply with the order as issued or modified shall constitute an additional offense.

14.0. Penalties

- 14.1 Any person who violates any provisions of these regulations, or who fails to comply with any order by the Board of Health for which a penalty is not otherwise provided in any of the General Laws shall upon conviction be fined no less than ten nor more than five hundred dollars. Each day's failure to comply with an order shall constitute a separate violation.

15.0. Variance

- 15.1 The Board of Health may, after a public hearing, grant a variance to the application of these regulations, when, in its opinion, the enforcement thereof would do manifest injustice, and the applicant has demonstrated that the equivalent degree of protection will still be provided to the private water supply without strict adherence to the particular provisions of these regulations.

- 15.2 Every request for a variance shall be made in writing and shall state the specific variance sought and the reasons thereof. The writing shall contain all the information needed to assure the Board that, despite the issuance of a variance, the public health and the environment will be protected. Notice of the hearing shall be given by the Board, at the applicant's expense, at least ten days prior thereto, by certified mail to all abutters of the property upon which the private well is located and by publication in a newspaper of general circulation in the Town of Upton. The notice shall include a statement of the variance sought and the reasons thereof.
- 15.3 Any grant or denial of a variance shall be in writing and shall contain a brief statement of the reasons for approving or denying the variance. A copy of each variance shall be conspicuously posted for thirty (30) days following its issuance and shall be available to the public at all reasonable hours in the office of the Board of Health. No work shall be done under any variance until thirty (30) days elapse from its issuance, unless the Board certifies in writing that an emergency exists.

16.0 Severability

- 16.1 If any provision of these regulations or the application thereof is held to be invalid by a court of competent jurisdiction the invalidity shall be limited to said provision, and the remainder of these regulations shall remain valid and effective. Any part of these 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.

17.0 Effective date

- 17.1 These regulations were adopted by unanimous vote of the Upton Board of Health, at their regularly scheduled meeting held on April 14, 2005, and are to be in full force and effect on and after May 1, 2005.

18.0 Disclaimer

- 18.1 The issuance of a well permit shall not be construed as a guarantee by the Board or its agents that the water system will function satisfactorily nor that the water supply will be of sufficient quality or quantity for its intended use.

Upton Board of Health

A.Rick Binaco
Marsha Paul
Susan Cudmore