

TOWN OF DALTON
BOARD OF HEALTH
PRIVATE WELL REGULATIONS

The Town of Dalton, Board of Health, has adopted effective April 15, 1989 Private Well Regulations described as follows:

I. Authority

These regulations shall be effective on and after April 15, 1989 and so remain until modified or amended by the Board of Health. The regulations are enacted by the Dalton Board of Health thru the authority granted by one or more of the following: Mass. General Laws, Chapter 111, Sections 31, 122, 122A, 127, 143, 155, 187, 188: Code of Mass. Regulations (CMR) 105, 310. Board of Health Regulations are an exercise of the police power thru which various levels of government are responsible for the protection of public health, safety and welfare.

Any and all previous regulations concerning private wells are hereby repealed.

II. Purpose

It is the purpose of these regulations to protect public health, safety and welfare by insuring that buildings with no access to public water supplies be supplied safe drinking water from private wells and further to provide for protection of the Town's groundwater resources.

III General Provisions

A. Applicability

These regulations shall apply to water supply wells which are not part of a public water system as defined in 310 Code of Mass. Regulations (CMR) 22.02.

B. Definitions

Board of Health:

The Board of Health of the Town of Dalton, Mass. Or it's authorized agent.

Buildings:

Any building which may be used, by humans, for residential or other purposes.

Non-community Public Water System:

A private water system which serves more than one residential dwelling unit or commercial/industrial establishment.

Well or Waterwell:

Any hole or shaft constructed into the ground for the purpose of injecting water, extracting water or for monitoring groundwater for any reason, or a dug hole with a depth greater than its largest surface dimension. This definition shall not include wells used to dewater excavations or to stabilize hillsides or earth embankments on a temporary basis.

Well Driller:

Any person, association, partnership, company corporation or trust that constructs a well for a fee. The person responsible for the field operation, equipment, materials, personnel and quality of workmanship. The registered individual authorized to drill or dig wells in the Commonwealth.

Abandoned Well:

A private well that has not been routinely used for a period of one year or more and is located on a lot without residential or commercial/industrial buildings routinely occupied or used by humans. A private well declared abandoned in writing by the owner.

Private Well:

A well serving a single residential dwelling unit.

C. Requirements for Obtaining a Private Well Permit

For each private well constructed after the effective date of these regulations, the owner shall:

- a. Complete a well site application form.
- b. Provide a scaled, extended plot plan, with topography, signed and stamped by a professional engineer licensed to perform required documentation.

Extended plot plan shall show:

1. Street and address by street number
2. Existing and proposed structures
3. Subsurface waters and subsurface drainage courses, if any
4. Subsurface sewage disposal field, trenches, or pits and adjoining septic tanks or cesspools
5. Subsurface storage tanks
6. Right of Ways subject to Herbicide or Pesticide control
7. Property lines
8. Public ways
9. Other potential sources of pollution, i.e., private dump, animal waste (manure piles) agricultural herbicide, pesticide, fertilizer applications for more than five (5) years, cemetery, etc.

Plot plan may be same plan submitted for compliance with 310 CMR 15.

D. Site Verification by Board of Health

The Board of Health shall make a site visit to review information supplied on application.

E. Private Well Drilling Permit

When application, plot plan and site visit have been satisfactorily completed, a private well drilling permit will be issued. Permits are not transferable and expire one year from the date of issue.

F. Well Drillers Report

A well drillers report, as required by 313 CMR 3. shall be submitted to Mass. Division of Water Resources and the Dalton Board of Health within thirty (30) days.

G. Complete Inspection

The Board of Health shall make a well completion inspection and shall note revisions on the original extended plot plan marking revisions “as built”. The well location will be noted on Dalton Assessors maps.

H. Building Permit

When a well satisfies quantity standards (See IV C) an application may be made for a building permit.

I. Use of Private Well Water for Human Consumption

Prior to the use of private well water for human consumption, a water quality report shall be performed by a laboratory licensed for water testing by the Commonwealth of Massachusetts. A copy of water quality report shall be submitted to the Board of Health. When a water quality report meets the standards established by the Board, well water may be used for human consumption.

J. Well Destruction

The Board of Health, to protect public health, safety and welfare and/or groundwater resources, may order an abandoned well to be destroyed. Destruction may be accomplished by a licensed well driller or an owner. Destruction shall comply with latest Massachusetts Laws and/or Regulations governing such destruction and shall be observed from start to finish by the Board of Health. There being no Massachusetts Laws or Regulations governing destruction, the Board of Health will prescribe in writing, destruction techniques on a case by case basis.

IV. Private Well Standards

A. Location

When establishing a well location, the professional engineer shall identify actual or potential sources of contamination and apply the following minimal lateral distances for each source listed.

Source of Contamination

Minimum Lateral Distance

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|---|--|
| 1. Subsurface sewage disposal field, cesspool, seepage pit, in use, abandoned or reserved area. | Where topography gradient is 1% or less or slopes away from well site, or percolation rate is greater than 8 minutes per inch, the minimum required distances shall comply with 310 CMR 15.00. Required distances shall be increased 50% when percolation rate is less than 8 minutes per inch and gradient is more than 1% and slopes toward well site. |
| 2. Septic tank | Minimum required by 310 CMR 15.00 |
| 3. Building sewer/sewer lines | Minimum required by 310 CMR 15.03 (note 3) |
| 4. Property line | 50% of minimum distance required in 1. above. |
| 5. Public way | 50% of minimum distance required in 1. above when topography gradient is 1% less or slope is upward toward well site. When lot slopes from public way downward to well site, distance shall be equal to minimum required in 310 CMR 15.00 |
| 6. Private driveway | 15 feet |
| 7. Underground storage tanks all uses | Tanks and piping shall conform to 527 CMR 9.00 - - 25 feet |
| 8. Rights of Way controlled by herbicides or pesticides | 50' from edge of right of way. Owner shall post and maintain a sign at edge of right of way as required in 333 CMR 11. |

No variance shall be granted for lesser distances.

Alternate or state of the art protection from contamination may be proposed to the Board by an owner. The board shall be the sole arbitrator in judging whether to accept such alternate or state of the art protection.

B. Construction

Bored or drilled wells shall be constructed by licensed well drillers and utilized latest acceptable standards for construction or comply with Massachusetts Laws and Regulations.

Dug wells shall be protected from surface water contamination, and sheltered from rainwater. Fencing shall be erected to provide safety to humans and prevent animal trespass.

C. Quantity

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 a minimum of four hours.
2. The required minimum well yield may vary depending on the depth of the well. A well is required to yield 110 gal/bedroom/day as per 310 CMR 15.00. The minimum well yield shall conform to the following table:

<u>Depths of Water in Well</u>	<u>Gallons/minute for 4 hours</u>
0 – 150 feet	5
150 – 200 feet	4
200 – 250 feet	3
250 – 300 feet	1 ½
300 and deeper	½

D. Quality

1. No private well shall be used as a drinking water supply until the water derived from the well has been tested and satisfies quality standards enacted by the Board of Health.
2. Chemical and bacteriological analyses shall be conducted by a laboratory licensed by the Commonwealth of Massachusetts and shall identify the following:

	<u>Maximum acceptable standards</u>
Coliform bacteria	none detected
Sodium (Na)	20 mg/1
Chloride (Cl)	250 mg/1
Nitrate Nitrogen (NO3)	10 mg/1
Nitrite Nitrogen	0.001 mg/1
Iron (Fe)	0.3 mg/1
Manganese (Mn)	0.05 mg/1
pH	6.0 – 9.0
Total hardness	150 mg/1

No variances granted from these standards.

3. Additional tests may be required by the Board.

V. Administrations and Enforcement

A. General Enforcement

The provisions of the State Environmental Code 310 CMR 11.00 shall govern the enforcement of these regulations.

B. Separate Violations

Each day's failure to comply with any provisions of these regulations shall constitute a separate violation. Each numbered or lettered section or subsection of these regulations violated shall constitute a separate violation.

C. Separability

If any paragraph, section, clause, provision, phrase or work of these regulations shall be adjudged not valid, the adjudication shall apply only to the material so adjudged and the remainder of these regulations shall be deemed to remain valid and effective.

D. Amendments

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

E. Revisions by State Law

Any part of these regulations subsequently invalidated or revised by a new state law, or regulation or modification of an existing state law or regulation 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.

F. Fees

The Board of Health may establish fees for private well applications, permits, site visits, and well destruction observation.

Current fees-	Application/permits	\$75.00 includes one (1) visit w/travel
	Additional site visit	\$26.00 + travel
	Observations	\$26.00 + travel
	Well destruction	\$500.00 or costs, whichever is greater when well destruction is accomplished by the Board of Health

G. 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
 - 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 applicant to the satisfaction of the Board.
2. Requests for a variance shall be made in writing and shall state the specific variance sought and the reasons therefore.
3. Variances granted by the Board shall be in writing. A denial shall be in writing and contain a brief statement of the reasons for denial. 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. No work shall begin under a variance until thirty (30) days after such posting unless the Board also certifies in writing that an emergency exists.
4. A variance may be subject to such qualification, revocation, suspension, condition, or expiration as the Board expresses in its grant of the variance.
A variance may be revoked, modified or suspended, in whole or in part, only after the holder thereof has been notified in writing and has been given an opportunity for a hearing as per 310 CMR 11.00.

H. Forms

1. Well Site Application/Permit
2. Well drillers Report, including Quantity Test
3. Water Quality Report

I. Fines

Whosoever violates any of these rules and regulations shall upon conviction be fined no less than ten dollars (\$10.00) and nor more than five hundred dollars (\$500.00) except when otherwise provided by law.

Dalton Board of Health

_____Chairman