

**PRIVATE WELL REGULATIONS
CITY OF WESTFIELD, MASSACHUSETTS**

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ONE (1) PURPOSE: These regulations are intended to protect the public health, safety and general welfare by ensuring that private wells are constructed in a manner which will protect the quality of the groundwater as well as the quality of the aquifer derived from private wells.

TWO (2) AUTHORITY: These regulations shall be effective on and after July 1, 1998 and so remain until modified or amended by the Board of Health. The Private Well Guidelines constitute part of these regulations. They are enacted by the City of Westfield Board of Health under the authority granted in the Massachusetts General Laws, Chapter 111, sections 31.

THREE (3) DEFINITIONS:

Abandoned Well: A private well that has not been used for a period of one year or more or which the owner declares in writing to be permanently discontinued for supplying water.

Agent: Any person designated and authorized by the Board to execute these regulations. The agent shall have all the authority of the Board and shall be directly responsible to the Board and under its direction and control.

Applicant: Any person who intends to have a private well constructed or destroyed.

Board: The Board of Health of Westfield, Massachusetts or its authorized agent.

Casing: Impervious durable pipe placed in a boring to prevent the walls from caving and to serve as a vertical conduit for water in a well.

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" at the time of water analysis..

Monitoring Well: A well used to evaluate ground water elevations and characteristics. A monitoring well is not intended as a potable water supply.

Private Well: Any dug, driven, or drilled hole with a depth greater than its largest surface diameter developed to supply water intended and/or used for human consumption and irrigation wells.

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

Registered Well Driller: Any person registered with the Department of Environmental Management, Division of Water Resources to dig or drill wells in the Commonwealth of Massachusetts.

Static Water Level: The level of water in a well under non-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.

Water Supply Certificate: A certificate issued by the Board of Health which authorizes the use of a private well as a supply of drinking water, monitoring well or irrigation well.

Well Driller: A person who charges a fee for digging or drilling a well, or a person who advertises for hire the availability to dig or drill wells within the Commonwealth of Massachusetts.

FOUR (4) WELL CONSTRUCTION PERMIT

The property owner or his designated representative shall obtain a permit from the Board prior to the commencement of construction of a private well. An application for a well construction permit shall be submitted by the property owner on a form provided by the Board of Health.

A. Each permit application to construct a well shall include the following:

- (1) the property owner's name and address
- (2) the well driller's name and copy of well driller's license (If well driller has previously filed a copy of driller's license, Board will waive requirement that property owner provides copy of license).

- (3) a plan with a specified scale, signed by a registered surveyor, sanitarian, or engineer, showing the location of the proposed well in relation to existing or proposed above or below ground structures.
- (4) a description and location of known prior, current, and proposed land uses within two hundred (200) feet of the proposed well location, which may represent a potential source of contamination, including but not limited to the following:
 - (a) existing and proposed structures
 - (b) subsurface sewage disposal systems
 - (c) subsurface fuel storage tanks
 - (d) subsurface waters and subsurface drainage courses
 - (e) utility easements, rights of way, and public ways
 - (f) any other potential sources of pollution

For new construction, the plan submitted to comply with Title V requirements will be acceptable for this purpose if it includes the above data for the well.

B. The Board shall charge a fee of \$50.00 for a private well construction permit. The fee must be paid when the application is filed with the Board. The Board reserves the right to charge additional fees to offset costs of technical consulting, and/or evaluation required for the Board to reach a firm conclusion.

C. Well construction may proceed upon approval of a well construction permit application and the issuance of a well construction permit by the Board. The permit shall be on site at all times while work is taking place.

D. All permits for well construction shall expire at the end of twelve (12) months from the date of issuance. Permits shall be extended for an additional six (6) months if a written request is received by the Board prior to the expiration date. No additional fee shall be charged for an extension, provided there is no change in the plans for the proposed well. After a permit has expired, a new application and new fee must be submitted to the Board.

E. Permits and applications are not transferable.

F. No private well in existence prior to the adoption of these regulations shall

be enlarged and/or hydroseed without first obtaining a permit to enlarge said well from the Board of Health.

G. The Board of may grant a private well construction permit for a potable water supply only where it finds that connection to the public water system is not feasible, would create an extreme financial burden on the applicant and that the construction, operation, and use of a private well would pose no reasonable risk to the quality and yield of potable water for the City of Westfield and poses no reasonable risk to the health, safety, or welfare of the general public.

FIVE (5) WATER SUPPLY CERTIFICATE

The issuance of a Water Supply Certificate by the Board shall certify that the private well may be used as a drinking water supply. An applicant must apply for, and receive A Water Supply Certificate for the use of a private well prior to the issuance of an occupancy permit for an existing structure or prior to the issuance of a building permit for new construction which is to be served by the well.

A. The following shall be submitted to the Board of health to obtain a Water Supply Certificate.

- (1) Well construction permit.
- (2) Copy of the Water Well Completion Report as required by the Division of Water Resources (313, CMR section 3.00) to be provided by the well driller within 30 days from completion of the well.

B. Upon receipt of all the above documents, the Board of Health shall determine whether the private water supply meets all the water quantity and water quality requirements for potable water in the City of Westfield as set forth in these regulations.

- (1) Upon an affirmative determination, the Board of health shall issue a Water Supply Certificate.
- (2) If the Board
- (3) The Board may, at its discretion, issue a conditional approval letter. A conditional approval letter shall set forth the conditions which the Board

deems necessary to ensure fitness, purity, and quantity of the water derived for that private well. Said conditions may include, but not be limited to, requiring treatment or additional testing of the water.

SIX (6) WELL LOCATION AND USE REQUIREMENTS

A. In establishing the location of a well, the well driller shall identify actual or possible sources of contamination which exist or are proposed or planned to exist within 200 feet of the proposed well site. Private wells shall be located to avoid all potential sources of contamination.

B. Each private well shall be accessible for repair, maintenance, testing, and inspection. The well shall be completed in a water bearing formation that will produce the required quantity of water under normal operating conditions.

C. Each private well shall be located at least 10 feet from any property line. The centerline of a well shall, if extended vertically, clear any projection from an adjacent structure by at least five (5) feet.

D. All private wells shall be located a minimum of 25 feet from the driving surface of any public roadway or a minimum of 15 feet from the road right-of-way, whichever is greater.

E. Each private well shall be located at least 25 feet, laterally, from the high water mark of any lake, pond, river, stream, ditch, or slough. When possible, private water systems shall be located in areas above the 100 year floodplain.

F. A suction line or well shall be located a minimum of 10 feet from a building sewer constructed of durable corrosion resistant material with watertight joints, or 50 feet from a building sewer constructed of any other type of pipe; 50 feet from a septic tank; 100 feet from a leaching field; and 100 feet from a privy.

G. Water supply lines shall be installed at least 10 feet from and 18 inches above any sewer line. Whenever water supply lines must cross sewer lines, both pipes shall be constructed of class 150 pressure pipe and shall be pressure tested to assure watertightness.

H. All private wells shall be located a minimum of 150 feet from underground

fuel storage tanks.

I. No private well, or its associated distribution systems, shall be connected to either the distribution system of a public water supply system or any type of water distribution system.

J. When deemed necessary or appropriate by the Board, the above distances may be increased. The Board reserves the right to impose minimum lateral distance requirements from other potential sources of contamination not listed above. All such special requirements shall be added by the Board as conditions of the well construction permit.

K. monitoring wells are exempt from the minimum lateral distance requirements.

SEVEN (7) WATER QUANTITY REQUIREMENTS

The applicant shall submit to the Board for review and approval a Pumping Test Report. The Pumping Test Report shall include the following:

- (a) name and address of the well owner
- (b) well location referenced to at least two permanent structures or landmarks
- (c) date the pumping test was performed
- (d) depth at which the pump was set for the test
- (e) location of the discharge line
- (f) static water level immediately before pumping commenced
- (g) discharge rate and, if applicable, the time the discharge rate changed
- (h) pumping water levels and respective times after pumping commenced
- (I) maximum draw down during the test
- (j) duration of the test, including both the pumping time and the recovery time during which measurements were taken, recovery water levels, and respective times after cessation of pumping, and reference point used for all measurements.

EIGHT (8) WATER QUALITY TESTING REQUIREMENTS

A. No private well shall be used as a drinking water supply and no building permit shall be issued for new construction on property where the well is located unless, and until the water derived from the private well has been tested.

B. A water sample shall be collected either after purging three well

volumes or following the stabilization of the pH, temperature, and specific conductance in the pumped well. The water sample to be tested shall be collected at the pump discharge or from a disinfected tap in the pump discharge line. In no event shall a water treatment device be installed prior to sampling.

C. The water quality test, utilizing EPA approved methods for drinking water testing and not methods used for analyzing wastewater, shall be conducted by a Massachusetts certified laboratory and shall include analysis for the following parameters:

<u>Parameters</u>	<u>Maximum Recommended Standards</u>
Alkalinity	30-100 mg/l
Chloride	250 mg/l
Color	15 units
Iron	0.3 mg/l
Maganese	0.05 mg/l
pH	6.5-8.5
Sodium	28 mg/l**
Total hardness	200 mg/l
Turbidity	1 turbidity units

No variances shall be granted on the following primary standards of the Safe Drinking Water Act:

Coliform bacteria	None detected
Nitrate nitrogen	10 mg/l
Nitrite nitrogen	.001 mg/l

** Greater than 28 mg/l is of concern to persons on low sodium diets.

D. All private well installations in present and former agricultural land use areas or within 200 feet thereof, shall require additional chemical analysis for one or more of the following Priority Pesticides from the Commonwealth of Massachusetts Interim Drinking Water Guidelines: *

<u>Pesticide</u>	<u>Maximum Acceptable Standards (ppb)</u>
Alachlor	2.0
Aldicarb	10.0

Carbofuran	10.0
Carbofuran	10.0
1,2-Dichloropropane	1.0
1,3-Dichloropropane	1.0
Dinoseb	5.0
Ethylene Dibromide	0.04-0.09 - Water supply must be monitored for up to 24 months
	0.10 - Water supply closed
Oxamyl	50.0

*Present and former agricultural land use areas are delineated on a USGS Map of Westfield with overlays per DEP (Division of Water Supply) Connecticut River Valley Pesticide Study conducted by Stone and Webster Engineering Corporation completed October of 1989. Overlay maps may be viewed at the Board of Health office.

E. The Board reserves the right to require re-testing of the above parameters, or testing for additional parameters when in the opinion of the Board, it is necessary due to local conditions or for the protection of the public health, safety, and welfare. All costs and laboratory arrangements for the water testing are the responsibility of the applicant.

F. Following the initial water quality test for a new well, the Board may require or recommend that the applicant have the water tested periodically.

G. The installation of permanent on-site filtration systems for the removal of pesticides and chemical substances of hazardous nature for new well installations is prohibited.

H. Results of the laboratory analyses must be forwarded to the property owner, well driller, and the Board upon completion by the applicant.

NINE (9) WELL CONSTRUCTION REQUIREMENTS

A. No person (s) shall construct a well unless registered with the Division of Water Resources as required by State Regulations 313 CMR 3.00 Water Well Registration. A copy of the well driller’s license shall accompany the application for a permit or be on file in the Board of Health Office.

B. All wells shall be contracted in compliance with the Private Well Guidelines written by the Department of Environmental Protection.

C. All wells shall be constructed with new casing materials. The use of salvaged pipe is strictly prohibited.

D. Well drillers need to certify in writing that they have complied with the Private Well Guidelines in order to receive the Water Supply Certificate.

E. Permanent monitoring wells shall be encased with steel pipe and locked. Temporary monitoring wells may utilize PVC or other suitable material for encasing upon Board of Health approval.

TEN (10) DECOMMISSIONING REQUIREMENTS

A. Abandoned wells, test holes, and borings shall be decommissioned so as to prevent the well, including the annular space outside the casing, from being a channel allowing the vertical movement of water. Properly decommissioning an abandoned well will protect the groundwater supply and eliminate potential physical hazards.

B. The owner of the private well shall decommission the well if the well meets any of the following criteria:

- (1) construction of the well is terminated prior to completion of the well
- (2) the well owner notifies the Board that the use of the well is to be permanently discontinued
- (3) the well has, after extended use, been out of service for at least one year
- (4) the well is a potential hazard to public health or safety and the situation cannot be corrected
- (5) the well is in such a state of disrepair that its continued use is impractical
- (6) 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.

C. An application for a well decommissioning permit shall be submitted by the property owner to the Board of health, on a form provided by the Board, prior to the decommissioning of the well.

D. The Board of Health will then issue a Well Decommissioning Permit.

E. There is no fee for a well decommissioning permit.

F. The property owner shall be responsible for ensuring that all abandoned wells or test holes or borings associated with private well installation are properly plugged before the well driller completes work at the site.

G. All wells shall be decommissioned in compliance with the Private Well Guidelines written by the Department of Environmental Protection. The guidelines constitute part of these regulations and are incorporated herein by reference.

H. Well drillers need to report and certify in writing that they have complied with the Private Well Guidelines in destroying the well.

I. Private wells shall be destroyed within fourteen (14) days of issuance of the well decommissioning permit. Temporary monitoring wells shall not be in use longer than sixty (60) days without Board of Health approval. Upon completion of monitoring well testing a well decommissioning permit shall be filed with the Board and the well shall be decommissioned within fourteen (14) days of filing.

J. After the well has been destroyed, the well driller shall file a report with the Board of health stating that he/she has complied with these regulations.

ELEVEN (11) ENFORCEMENT

The Board shall investigate violations of these regulations and/or violations of any Water Supply Certificate conditions. The Board may take such actions as it deems necessary for the protection of the public health and the enforcement of these regulations.

If an investigation reveals a violation of these regulations, or the Water Supply Certificate conditions, the Board shall order the private well owner to comply with the violated provision(s).

These orders shall be in writing and served in the following manner, (a) personally,

by any person authorized to serve civil process, or, (b) by any person authorized to serve civil process by leaving a copy of the order at the well owner's last and usual place of abode, or (c) 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, (d) 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 out of five consecutive days in one or more newspapers of general circulation within the City of Westfield wherein the private well affected is situated.

TWELVE (12) HEARING

The private well owner to whom any order has been served may request a hearing before the Board by filing with the Board within seven (7) days after the day the order was served, a written petition requesting a hearing on the matter. 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 not 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.

Every notice, order, or other record prepared by the Board in connection with the hearing shall be entered as a matter of public record in the Office of the City Clerk.

If a written petition of a hearing is not filed with the Board within seven (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.

THIRTEEN (13) APPEALS

Any person aggrieved by the final decision of the Board may seek relief therefrom within thirty (30) days in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

FOURTEEN (14) PENALTIES

Whoever violates any provision of these regulations, the violation of which is subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in General Laws, Chapter 40 Section 21D or by filing a criminal complaint at the appropriate venue. Each of the day's failure to comply with an Order shall constitute a separate violation.

FIFTEEN (15) VARIANCE

The Board 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 compliance with particular provisions of these regulations.

Every request for a variance shall be made in writing and shall state the specific variance sought and the reasons therefore. The writing shall contain all the information needed to assure the Board that, despite the issuance of a variance, the public health and environment will be protected. Notice of the hearing shall be given by the applicant at his or her expense, at least ten (10) 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 City.

The notice shall include a statement of the variance sought and the reasons therefore. 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 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 City Clerk or 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.

Any variance shall 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 an opportunity to be heard, pursuant to Section Twelve of these regulations.

No variances shall be granted for a new well installed on a new building lot for the distance between septic system and well as specified in Section Six; or for the water quality standards as specified under Section Eight.

SIXTEEN (16) SEVERABILITY

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(s) 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.

SEVENTEEN (17) DISCLAIMER

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.