



CHAPTER X WELL REGULATIONS

1.00 PURPOSE. These regulations are intended to protect the public health and general welfare by ensuring that private wells are constructed in a manner so as to reduce the risk of water quality degradation.

2.00 AUTHORITY. These regulations are adopted by the Town of Wellesley Board of Health, as authorized by Massachusetts General Laws, Chapter 111, section 31. These regulations supersede all previous regulations adopted by the Board of Health pursuant to the construction of private wells.

3.00 DEFINITIONS.

Agent: Any designated representative of the Board authorized to execute these regulations. The agent shall have all the authority of the appointing 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 by filing the appropriate application with the Board.

Aquifer: A water bearing geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

Board: The Board of Health of the Town of Wellesley, 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 currently certified by the Commonwealth of Massachusetts Department of Environmental Protection for the analysis of drinking water quality.

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

Private Well: Any dug, driven, or drilled hole, with a depth greater than its largest surface diameter developed to supply water intended for irrigation purposes and/or groundwater source heat pump and not subject to regulation by 310 CMR 22.00.

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 Commonwealth of Massachusetts Department of Environmental Management/Office of Water Resources to dig or drill wells in the Commonwealth of Massachusetts.

Right of Way (ROW): Any roadway or thoroughfare on which public passage is made, and any corridor of land over which facilities such as railroads, pipelines, powerlines, conduits, channel, or communications lines are located.

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

4.00 WELL CONSTRUCTION PERMIT. The property owner or his designated representative shall obtain a permit from the Board of Health prior to the commencement of construction of any private well.

4.01 Each permit application will be reviewed and approved by the Town of Wellesley Board of Health and Town of Wellesley Board of Public Works before a permit to construct any well will be issued. The applicant is directed to the Department of Public of Public Works, Water Division, for determination of the requirements to achieve Public Works approval.

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

- the property owner's name and address
- the well driller's name and proof of valid state registration
- a plan drawn to a specific scale, signed by a surveyor or engineer registered in the Commonwealth of Massachusetts, showing the location of the proposed well in relation to existing or proposed above or below ground structures.
- a description of visible prior and current land uses within two-hundred (200) feet of the proposed well location, which represent a potential source of contamination, including but not limited to the following:
 - existing and proposed structures
 - subsurface sewage disposal systems
 - subsurface fuel storage tanks
 - public ways
 - utility rights-of-way
 - water lines
 - sewer lines
 - property lines
 - surface and subsurface drains, including drywells and water quality BMP's (Best Management Practices)

A permit fee of \$100.00 in a check form made payable to the Town of Wellesley.

4.03 There shall be a twenty-one (21) day review period for all permit applications.

4.04 The permit shall be on site at all times that construction of the well is taking place. Each permit shall expire one (1) year from the date of issuance unless revoked for cause. Permits may be extended for one additional six (6) months period provided that a written request is received by the Board within 30 days prior to the one year expiration date.

4.05 Well Construction Permits are not transferable.

4.06 Reserved.

5.00 WELL LOCATION AND USE REQUIREMENTS. In locating a well, the applicant shall identify all potential sources of contamination which exist or are proposed within two hundred (200) feet of the site. When possible, the well shall be located up gradient of all potential sources of contamination and shall be as far removed from potential sources of contamination as possible, given the layout of the premises.

5.01 Each private well shall be accessible for repair, maintenance, testing, and inspection.

5.02 The well shall be constructed in a water bearing formation that will produce the required quantity of water under foreseeable extreme operating conditions.

5.03 Minimum well site distance requirements are as follows:

Cesspool	100 feet
Leaching area	100 feet
Reserve leaching area	100 feet
Septic tank	50 feet
Property lines	25 feet
Subsurface drains	100 feet
Surface water	100 feet
Rights of Way/Easements	25 feet
Municipal sewer, building sewer	50 feet
Subsurface fuel storage tanks	50 feet

5.04 The Board reserves the right to impose minimum lateral distance requirements from other potential sources of contamination not listed above. All such special well location requirements shall be listed, in writing, as a condition of the well construction permit.

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

5.06 Irrigation wells must be posted with a permanently fixed sign located at the pump outlet. The sign must be constructed of a sturdy weather resistant material, either plastic or non corrosive metal, the sign must be at least 10 inches by 10 inches with legible writing, the sign must state: " This well is permitted for irrigation use only, not for human consumption."

5.07 No private well permitted under these regulation shall be used for human consumption.

5.08 No private well shall be used for its intended purpose until a final inspection has been completed by an agent of the Board and written approval has been given by the Board of Health to the Applicant indicating that compliance with these regulations has been met.

6.00 WATER QUALITY TESTING REQUIREMENTS. Water quality may be required to conform to standards of the Commonwealth of Massachusetts for public water supplies.

6.01 The Board reserves the right to require retesting, 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.

6.02 Reserved.

7.00 WELL CONSTRUCTION REQUIREMENTS. Pursuant to 313 CMR 3.00, no person in the business of digging or drilling shall construct a well unless registered with the Commonwealth of Massachusetts Department of Environmental Management/Office of Water Resources.

7.01 Any work involving the connection of the private well to the distribution system of the residence must conform to all applicable plumbing codes. All electrical connections between the well and the pump controls and all piping between the well and the storage and/or pressure tank in the house must be made by a pump installer or registered well driller.

7.02 No private well source can be connected to the public water supply system.

7.03 A physical connection is not permitted between a water supply which satisfies the requirements of these regulations and another water supply that does not meet the requirements of these regulations without prior approval of the Board.

7.04 There shall be no direct discharge of any unfiltered water byproducts produced during the well drilling into any catch basins, storm drains and/or surface water.

7.05 It shall be the well drillers responsibility to correct any damage to town owned property or ways and/or utilities caused during the well construction process.

7.06 General Well Design and Construction.

All private water supply wells shall be designed such that:

- 1) the materials used for the permanent construction are durable in the specific hydrogeologic environment that occurs at the well site, and
- 2) no unsealed opening will be left around the well that could conduct surface water or contaminated groundwater vertically to the intake portion of the well or transfer water from one formation to another.

7.07 Permanent construction materials shall not impart toxic substances, taste, odors, or bacterial contamination to the water in the well.

7.08 Well Casing.

The space surrounding the well casing should be sealed with a water tight grouting extending from the surface of the ground to a depth of ten (10) feet.

7.09 Reserved.

8.00 DECOMMISSIONING REQUIREMENTS. 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.

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

construction of the well is terminated prior to completion of the well,

the well owner notifies the Board that the use of the well is to be permanently discontinued,

3) the well has been out of service for at least three years,

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, and

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.

8.02 The property owner shall be responsible for ensuring that all abandoned wells and test holes or borings associated with private well installation are properly plugged. Only registered well drillers may plug abandoned wells, test holes, and borings.

8.03 In the case of new well construction, all test holes and borings shall be plugged before the well driller completes work at the site.

9.00 ENFORCEMENT. The Board shall investigate violations of these regulations and may take such actions as the Board deems necessary for the protection of the public health and the enforcement of these regulations.

9.01 If any investigation reveals a violation of these regulations, the Board shall order the private well owner to comply with the violated provisions(s).

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

personally, by any person authorized to serve civil process, or;

by any person authorized to serve civic process by leaving a copy of the order at the well owner's last and usual place of abode, or

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

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 Town of Wellesley.

10.00 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 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 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 original 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 clerk of the city or town, or in the office of the Board.

11.00 PENALTIES. Any person who violates any provision of these regulations, or who fails to comply with any order by the Board, for which a penalty is not otherwise provided in any of the General Laws shall upon conviction be fined not less than \$50.00 per day. Each day's failure to comply with an Order shall constitute a separate violation.

12.00 NON-CRIMINAL DISPOSITION. In accordance with MGL chapter 40, section 21D and Town bylaw Article 52, non-criminal disposition, whoever violates any provision of these Rules and Regulations may be subject to non-criminal disposition.

13.00 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 application to 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 Board, at the applicant's 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 town or city in which the private well is located. 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 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 Town Clerk and 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.

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 an opportunity to be heard, pursuant to Section 10.00 of these regulations.

14.00 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.

15.00 EFFECTIVE DATE. These regulations were adopted by vote of the Town of Wellesley, Massachusetts Board of Health, at their regularly scheduled meeting held on June 11, 2003 and are to be in full force and effect on and after July 1, 2003. Before said date, these regulations shall be published and a copy thereof be placed on file in the Office of the Board of Health and filed with the Department of Environmental Protection, Division of Wastewater Management (formerly Division of Water Pollution Control) in Boston. 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, on its own motion or by petition.

16.00 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.