

METROWEST DAILY NEWS

Govt Public Notices

Originally published at metrowestdailynews.com on 09/10/2025

PRIVATE WELLS

LEGAL NOTICE

NOTICE OF A

PUBLIC HEARING

Town of Mendon

The Mendon Board of Health hereby gives notice that it will hold a Public Hearing on WEDNESDAY, SEPTEMBER 24, 2025, at 7:15 PM in the Town Hall upper meeting room, 20 Main Street, Mendon, MA 01756 to consider Amendments to the Mendon Private Well Regulations under M.G.L. Chapter 111 § 31. All interested parties will be given an opportunity to be heard. Remote participation will be available. A copy of the proposed draft amendments can be obtained at the Mendon Board of Health Office and available online at MendonMA.Gov/BOH website.

#11651684

DN 9/10/25



**TOWN OF MENDON
Board of Health**

Private Well Regulations

Effective Date May 6, 1997

Amended Date March 24, 2003

Amended Date April 26, 2017

Amended Date



Private Well Regulations

Fee Schedule

Type of Permit	Fee
Construction/alteration	\$100.00
Destruction	No Fee
Repair	\$100.00

Note: Fees are subject to change

Summary of Forms Requirements				
Form	Construction	Destruction	Repair	Periodic Water Testing
Well permit application	✓	✓	✓	
Well Construction/Destruction Permit	✓	✓		
Certificate of Construction/Destruction, Water Quality & Quantity Compliance Report	✓	✓		
Private Well Certificate	✓		✓	
Analytical Test Results (from testing lab)			✓	✓
Well Driller/Digger Report	✓	✓		

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Town of Mendon
Board of Health
Private Well Regulations

1.0 Purpose and Authority

These regulations are intended to protect the public health and general welfare by ensuring that private wells are constructed in a manner that will protect the quality of the potable water supply derived from private groundwater wells. These regulations are promulgated under Chapter 111, Section 31, M.G.L. and supersede all previous regulations adopted by the Board of Health pursuant to the construction of private wells **and any condition that existed prior to the effective date of these regulations shall not be grandfathered or regarded as exempt from these regulations.**

2.0 Definitions

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

2.1 Abandoned water well. A well that meets any of the following criteria:

- 1) Construction was terminated prior to completion of the well
- 2) Use has been permanently discontinued
- 3) Has been out of service for at least three years
- 4) Is a potential hazard to public health or safety and the situation cannot be corrected
- 5) Is in a state of disrepair that its continued use is impractical,
- 6) 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.

2.2 Abandonment of Water Well- Decommissioning, removal, or sealing of wells in accordance with **MGL Chapter 21G Section 20**

Agent- Designated person authorized by the Board of Health to act on day to day duties for the Board of Health.

Alteration- A major change in the type of construction or configuration of a private water system, including but not limited to adding a disinfecting device, hydrofracking, deepening, the **addition of ground source heat pump, or replacing of an existing private well.** A Pump repair or pump replacement or water line repair or replacement shall not be deemed a well alteration

Applicant-Person(s) with authority to act on submitting a request for permit including all onsite inspections for a facility

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

Bedroom- Refer to Massachusetts Title 5, 310 CMR15.002 bedroom definition

2.4 Board or Board of Health - The Board of Health of the Town of Mendon or its authorized agent.

Certified Laboratory

2.5 Cross Connection - Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other, water of unknown or questionable safety, whereby water may flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

Facility

facility

Commented [TR1]: Added MGL

Commented [TR2]: Added definition

Commented [TR3]: Now includes geothermal modifications

Commented [TR4]: Added definition

2.6 **Geothermal Well** - Ground source heat pump wells used for heating and cooling; further defined by Massachusetts Department of Environmental Protection guidance. **Commented [TR5]:** Added definition

2.7 **Maximum Feasible Compliance** - For wells that require repairs the objective is to meet the setbacks as provided in Section 5.2. The Board of Health may reduce the offset distances when shown that adequate public health is provided in design, construction and operation of the well, and where there are no feasible alternatives to the location. **Commented [TR6]:** Added definition Maximum feasible Compliance

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

2.9 Pitless adapter - A commercially manufactured device which attaches to a well casing and provides watertight subsurface connections for suction lines or pump discharge and allows vertical access to the interior of the well casing for installation or removal of the pump or pump appurtenances.

2.10 Potable Water - Water that is tested by a state certified laboratory and satisfies state drinking water standards for culinary and domestic purposes.

2.11 Private well **or semi-public well** - A water supply well intended for human consumption that serves the same facility on the lot which it is located and which will not serve either a number of service connections or a number of individuals sufficient to qualify as a public water system as defined in 310 CMR 22.02. **Commented [TR7]:** Updated definition to separate semi public water supply

2.12 Pump installer - Any person or company who installs or repairs pumps and pumping equipment.

2.13 Pump and pumping equipment. Any equipment or materials used or intended for use in withdrawing or obtaining groundwater, including, but not limited to, seals and tanks, together with fittings and controls.

2.14 Regulating Agency - The Mendon Board of Health or its authorized representative.

2.15 **Semi-Public Water Supply** - Any water system serving or intended to service water for human consumption or for domestic purposes and not included under the definition of "private well" or "private water supply" above or under the Department of Environmental Protection "Drinking Water Supply Regulations of Massachusetts." **Commented [TR8]:** Added definition-more than one dwelling unit

2.16 Well (dug). A well that is developed in surficial unconsolidated material, i.e. sand, gravel, or till, not developed within bedrock.

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

2.18 Well driller and or digger - Any person who is licensed by the Water Resources Commission, as defined by Chapter 620 of the Acts of 1956, **MGL Chapter 21G Section 20** as amended, to construct wells. **Commented [TR9]:** Added MGL

2.19 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 or function of which is to prevent pollutants for entering the well at the upper terminal

3.0 Requirements for Private Wells and Semi-Public Water Supplies

3.1 No private **or semi-public** water supply well constructed, **or altered** after the effective date of this regulation shall be deemed a source of potable water unless it is constructed in accordance with this regulation, **[See section 5.8 (1)]**.

~~Semi-public water supplies also known as serve more than one dwelling; applications require a Board of Health meeting and vote for approval to proceed. An alternatives analysis provided by the applicant demonstrating the design construction and operation requirements and that not permitting would be manifestly unjust. The proposed well in the opinion of the Board of Health must meet the same or greater private well head protections.~~

Commented [TR10]: Alternative analysis

~~Each well shall be located on the same lot as the facility that it serves (under special circumstance each party would have to be aware of responsibilities deed notification in a format acceptable to the Board for approval)~~

Commented [TR11]: ADU questions-retest quantity and quality to insure it meets

3.2 ~~Permit requirements. No private or semipublic water supply shall be installed, altered or repaired until a permit has been obtained from the Board of Health or its agent. The fee for this permit shall be set by the Board of Health from time to time. A permit so granted shall expire 12 months from the date of issue unless well construction has begun.~~

Commented [TR12]: Revised section 3.2 to include statement

For each private well constructed after the effective date of this regulation, there shall be:

1. A well permit application
2. A well construction/destruction permit
3. A water quality analysis (see section 5.5)
4. A certificate of construction/destruction, water quality and quantity compliance report
5. Well driller's or digger's report
6. Private well certificate

3.3 For each private well destroyed or abandoned after the effective date of this regulation, there shall be:

1. A well permit application
2. A well construction/destruction permit
3. A certificate of construction/destruction
4. Well driller/digger report

3.4 The Board or its agents ~~may condition the permit including requiring deed notification of additional analysis and~~ shall investigate violations of this regulation or of any permit issued and may take such actions it deems necessary for the protection of the public health.

Commented [TR13]: Added conditions to permit if necessary

3.5 Prior to a transfer in property title, Private wells will have a water sample collected and tested ~~if the when a transfer of title to the property occurs unless the transfer occurs 3 years or less from the last sampling and testing. The minimum parameters to be tested are in accordance with Section 5.5 and include a minimum well analysis as listed in Microbiology, Trace Metals, and Miscellaneous.~~

~~basic screen and total Coliform~~, except that the Board may require testing other parameters at their discretion. The report from a certified lab shall be provided to the buyer and the Board of Health, and submitted within 30-days along with ~~a Title 5 Inspection report (310 CMR 15.301)~~.

Commented [TR14]: Add what requirements- timeline to make repairs and deed notice, Town counsel to comment. 6-months or sooner or later

4.0 Well Construction or Destruction Permits

4.1 No person shall engage in the business of construction or destruction of private wells within the town under these regulations unless registered as a well driller/digger with the ~~Water Resources Commission~~ ~~Department of Environmental Protection~~, pursuant to ~~313-CMR 3.00~~ ~~310 CMR 46.00~~ A copy of the Well Driller's License must accompany the application for a Well Permit.

Commented [TR15]: Regulation revised authority

Commented [TR16]: Regulation change

4.2 No person shall engage in the business of installing a private well within the town until the Board issues a Well Construction Permit.

4.3 An application for a well construction/destruction permit shall be submitted by the property owner, the well driller/digger or his agent to the Board on a form furnished by the Board.

4.4 A well construction/destruction permit shall be obtained from the Board prior to the construction/destruction or abandoning of any private well. The Board shall charge a fee for each

well construction or destruction permit and said fee shall be paid to the Board prior to issuing the permit.

- 4.5 All permits for well construction or destruction shall expire one year from the date of issue, unless revoked of cause. Permits may be extended for one additional six-month period provided that a written request is received by the Board prior to the one-year expiration date. No additional fee shall be charged for a permit extension, provided there is no change in the plans for the proposed well. After a permit has expired, a new well construction application, along with the fee, must be submitted to the Board.
- 4.6 The permit shall be displayed on the well site at all times during construction or destruction.
- 4.7. Well construction permits are not transferable.

5.0 Well Construction Permit Requirements

- 5.1 The property owner shall submit the following information or the well driller/digger or their agent with the well construction permits application, prior to the issuance of a permit.

- 1) Reference to one known general location of the proposed well to include the location of at least one property line
- 2) For new, repair or replacement well construction, an approved engineering plan, that is prepared, stamped and signed by a Massachusetts Registered Professional Engineer, **Professional Land Surveyor, or a Massachusetts Registered sanitarian** showing the location of the proposed well, proposed/or existing septic system and any possible sources of contamination.
- 3) **A Geothermal well or modifications to the existing well are required to meet DEP Geothermal well guidelines.**
- 4) A description, written on the plan, of any possible source(s) of contamination within 400 feet of the proposed new well location (see Section 5.2(1), ex. agricultural, industrial, etc
- 5) The well driller's/digger's name and license number as it appears of the **Water Resources Commission or Department of Environmental Protection** certificate.
- 6) The pump installer's name/address

Commented [TR17]: Added certification requirements

Commented [TR18]: Added DEP

- 5.2 Well location requirements:

In establishing the location of a new well, the design engineer Massachusetts Registered Professional Engineer, **Professional Land Surveyor, or a Massachusetts Registered sanitarian** **and/or the driller/digger** shall identify in writing on the plan, to the best of their professional knowledge, (see 5.1(2)), all known sources of potential contamination (e.g. agricultural fields, utility rights of way, animal feed lots, active or closed landfills, dry cleaning establishments, funeral homes, painting, wood preserving or furniture stripping establishments, car wash establishments, automotive services and repair shops, truck and bus terminals, fuel depots, underground storage tanks, junk and salvage yards, railroad lines or yards, metal plating, finishing, polishing or etching establishments, any known spills of hazardous substances or materials as defined in federal, state or local laws, bylaws or regulations) or any other similar uses which exist or are proposed within 400 feet of the proposed well site as determined by the Board of Health or its authorized agent to potentially contaminate the ground water. **Each private water supply system shall be on the same land as the building that it serves (MGL Ch. 40 Sec. 54) and conform to the minimum setback distances for well head center line and water supply lines, measure in feet set forth below. Private wells that cannot meet the above requirement are considered semi-public water supplies for permitting purposes.**

Commented [TR19]: Added certification requirements

Commented [TR20]: Wells locations and semi-public requirements

The following minimum lateral distances from potential contamination sources shall apply:

Potential Source of Contamination	Minimum Lateral Distance (feet)
Leaching facility (310 CMR 15.00)	100

Existing cesspool	100
Septic tank	50
Sewer line	50
Property line	10
Public or private way, common drive easement	10
Active or closed landfill	400
Hazardous waste spill site	400
Any type of surface water	50
Underground storage tank (outside dwelling)	200
Storm drains	25
Dwelling unit (including overhang)	25
Other well supply head	20
Stable and manure storage areas	100

- 2) The Board of Health may grant a variance to the minimum lateral distance requirement. See Section 7.0 Variances.
- 3) Where, in the opinion of a majority of the Board, adverse conditions exist, the above minimum lateral distances may be increased or special means of protection may be required. The Board may impose minimum lateral distance requirements from other potential sources of contamination not listed above. The Board shall add these special requirements to the well construction permit.
- 4) Whenever possible, the well shall be upgradient of sources of potential contamination. The top of the well cap or casing shall be above the ground surface and above any conditions of flooding by drainage or runoff from the surrounding land, unless otherwise adequately protected
- 5) Each private well shall be accessible for repair, maintenance, testing, and inspection.
- 6) Water supply lines shall be installed at least 10 feet from and 18 inches above the sewer line. Whenever water supply lines must cross sewer lines, both pipes shall be constructed of class 200 Pressure Pipe and shall be tested to assure water tightness. The well driller shall operate all equipment according to generally accepted standards in the industry and shall take appropriate precautions to prevent damage, injury or other loss to persons and property at the drilling site.

5.3 Well Construction Standards

- 1) Wells, including dug wells, shall be constructed in compliance with the recommendations of the latest edition of the DEP Private Well Guidelines. Surface springs shall not be used for the purpose of potable water supply.
- 2) The annular space, if any, between the protective well casing and the wall of the drilled hole or the surface casing shall be effectively sealed. The seal is to protect against contamination by surface and /or shallow, subsurface water.
- 3) The well casing shall be covered with a sanitary well seal. Casings shall extend a minimum of 24 inches above the highest known flood levels or 18 inches above the ground surface in areas which are not subject to flooding. In addition, all non-vent openings shall be sealed to exclude the intrusion of contaminants. Vent openings shall be complete with screening.
- 4) When well screens are used, the screen length and opening size should be selected to ensure that the water supply will be free from silt, sand and other suspended solids.

- 5) Well pumps and water storage equipment shall be selected to ensure that the water supply is to be adequate. A minimum yield of five gallons per minute (GPM) for four hours is required. When the pump test is performed, a representative of the Board or its agent may observe the initial startup. Following the pump test the well must be shown to recover to within 85% of the prepumped static level within 24 hours. The Board of Health may require Greater standards for multiple use buildings at their discretion. (Update this)
- 6) Pump suction lines, if used, shall not be closer than 100 feet from the underground sewage leaching facilities or 50 feet from a septic tank (310 CMR 15.03)
- 7) Well pits to house the pumping equipment or to permit access to the top of a well shall not be permitted.
- 8) All connections to a well casing made below ground shall be protected by either a pitless adapter or a pitless unit that complies with the most recent revision of National Sanitation Foundation Standard 56, ventilated "Pitless Well Adapters."
- 9) Connections shall be prohibited. No connection between a private well and a public water supply shall be allowed
- 10) **The construction of injection wells for liquid waste disposal shall be prohibited shall not be connected to the septic system**
- 11) Surface water supplies for private or semi-private use shall be prohibited
- 12) Cisterns shall be prohibited as a potable water supply
- 13) 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
- 14) Hydro fraction of new wells shall not be performed unless minimum quantity requirements as listed under Section 5.3, have not been met after a minimum drilling depth of 400 feet has been obtained
- 15) **Geothermal well requirements (DEP guidance)**

5.4 Disinfection and Other Sanitary Requirements

- 1) All private wells shall be disinfected following construction, rehabilitation and well or pump repair before the well is placed in service. The well shall be pumped to waste (not to the septic system) until the water is as clear as possible. Thereafter, the well and the pumping equipment (and plumbing, if installed) shall be disinfected with a solution containing at least fifty (50) parts per million (ppm) of chlorine. The well shall remain in contact with the chlorine solution for a minimum of 24 hours before the well is pumped to waste (not the septic system) and the water is found to be free of chlorine.

5.5 Water Sampling Procedure

- 1) For chain of custody requirements, water samples shall be collected by the pump installer, a representative of a state certified laboratory, **a Title 5 Inspector, or a person with certification in water sample collections.** All water samples shall be collected in accordance with current professional standards and practices, including EPA or other approved methods so as to maintain the integrity of the sample collected. Collections of the initial sample shall occur following the well development and the disinfection process for that well (Section 5.4).

Commented [TR21]: Check where this came from. Dry well injection

Commented [TR22]: Included for property transfers

2) An initial representative water sample for laboratory analysis shall be collected at the pump discharge or from a tap in the pump discharge line. The sample must be collected prior to any water treatment device. A representative sample shall constitute one (1) sample collected after a minimum of fifteen (15) minutes of pumping from the well. Wells that are used for drinking require a second water sample prior to Certificate of Completion collected from the main tap in the house showing that water quality meets Town of Mendon's drinking water standards (minimum).

3) The initial representative sample for new well construction or well alteration (see section 2.2) shall be analyzed for the below listed parameters The Mendon Board of Health may require additional analysis it deems necessary to protect the public health, safety, welfare and the environment and or pending guidance from DEP.

Commented [TR23]: During the permit process

Commented [TR24]: Moved this section

All analyses shall be performed in accordance with U.S. EPA methods for drinking water analysis. All test results must be submitted to the Board on an official laboratory report form.

Well Analysis

Microbiology

Total Bacteria (SPC)
Coliform Bacteria

Trace Metals

Calcium	Copper	Iron
Lead	Magnesium	Manganese
Sodium		

Miscellaneous

Alkalinity	Odor	Ammonia
pH	Chloride	Turbidity
Color	Total dissolved solids	Conductivity
Hardness (As CaCO ₃)	Arsenic	Sulfate
Nitrate	Nitrite	Potassium
Chlorine	Radon	

VOC's

EPA Method 524.2

Should the first water test results exceed a primary or secondary standard identify a potential health problem, the applicant may elect to re-test for the constituents that exceeded the standards prior to a treatment device for confirmation; this test is not considered the second require test.

Commented [TR25]: Added test and treatment deed notice

- Where a treatment device is required based on the first water analysis, the second required sample analysis a drinking water treatment system for the facility, then provide analysis showing that the potable water meets the standards. the Board shall notify adjacent property owners. Where the water quality requires a treatment device to meet the standards in the opinion of the Board, the applicant shall record a deed notice to the property on a format approved by the Board demonstrating the treatment system and the operation and maintenance requirements.

Commented [TR26]: Eliminate Board requirement

The federal standards of maximum contaminant levels (mcl) have been adopted by the state and incorporated into the guidelines for private water supplies. A copy of these guidelines is available at the Board of Health office.

4) If the initial test did not pass and a filter or other treatment system is necessary, the second representative sample for laboratory analysis must be collected after the treatment

system is installed see section 5.5 (2). The second sample **may** be re-tested for all failed parameters, plus any other parameters deemed necessary by the Board. A laboratory report indicating all tests results meet EPA drinking water standards must be submitted to the Board prior to issuing a Certificate of Occupancy

- 5) Additional analytical tests for pesticides, PCB's and inorganics (metals) other than those specified in 5.5(3) can be added, at the request of the Board, when conditions may indicate the need (i.e. prior land use, public knowledge, etc.) for such testing
- 6) All costs and laboratory arrangements for collections of water samples and testing are the responsibility of the applicant.
- 7) The Board recommends that testing for coliform, nitrites, nitrates, and lead be conducted annually and that testing for all other compounds be done every ten years or sooner if there are compelling reasons (e.g. toxic spills or underground tank leaks.)
- 8) A private well will have a water sample collected and tested when a transfer of title to the property occurs unless the transfer occurs 3 years or less after the last sampling and testing. (See section 3.4)
- 9) The Board may choose to collect the water sample or may require that the sample be collected by the Board's agent or by an employee of the certified lab performing the analysis.

5.6 Water Quality

Sampling. A minimum of two (2) water samples shall be submitted to a State approved laboratory for analysis. One sample shall be taken when the well installation is complete and one sample shall be taken from a tap in the dwelling before occupancy. All results shall be submitted to the Board of Health for approval. Acceptance of water quality shall be based on its conformance to the normal of the groundwater in the area as well as established state and federal drinking water standards.

- 1) All analytical test results shall be submitted for review to the Board or its agent within 1 year of the well permit date of issue. Analytical test results over 1 year old will not be accepted. An assessment of the suitability of the well for drinking water use will be made by the Board or its agent. The Board or its agent will adhere to the current and applicable drinking water standards as detailed by the U.S. EPA and the state of Massachusetts Department of Environmental Protection (DEP). Approval must be obtained in writing before the well shall be placed into service as a drinking water supply. Such written approval shall be the Water Supply Certificate issued by the Board. Second test completed inside the house prior to occupancy.
- 2) The water sample(s) shall be analyzed by a laboratory certified by the DEP Lab Certification office **in Lawrence, MA** to perform drinking water analyses. A copy of the water quality results shall be sent to the Board prior to issuance of a Private Well Certificate.
- 3) The Board may require that additional or repeated analyses be performed on the well water based on the results of the initial analyses. Any such additional requirements shall specify the chemical constituents or chemical fraction (e.g. pesticide/PCB, extractable, etc.) for analysis.
- 4) No water supply shall be approved for use if any measured contaminant level exceeds the current and applicable primary drinking water standards for a public water supply, as detailed by the U.S. EPA and/or DEP (40 CFR 141 and 310 CMR 22). Coliform results shall be zero colonies per 100 ml of sample (a positive coliform result must be followed by two (2) successive zero coliform results.) The Board may also use professional judgment when assessing the results of the water quality analysis prior to approval of that well. When the results indicate a potential health hazard (e.g. possible gasoline

contamination), the Board may, at its discretion, disapprove the well for use as a water supply.

* Sodium content shall not exceed 20 mg/L in a semipublic water supply and shall be reported to the homeowner if greater than 20 mg/L in a private water supply.

- 5) A copy of any periodic test results obtained for a private well shall be provided to the Board by the property owner within thirty (30) days for the benefit of ongoing monitoring of groundwater quality within the town.
- 6) If a water test is required by covenant with a property owner, the property owner shall forward a copy of the test results to the Board within thirty (30) days in compliance with the covenant regulation.
- 7) ~~In the event the Board determines that a well constitutes a health hazard, such well shall immediately be removed from service. Further, this well shall be brought into compliance with the provisions of this regulation before returning to service or the well shall be Abandoned or destroyed through application made by a Massachusetts Certified Well Driller.~~

Commented [TR27]: Need some sort of notification formally from BOH

5.7 Well Completion Requirements

- 1) Within thirty (30) days after the completion of the construction of any well, the well driller/digger shall submit to the Board a report showing the following information on a plan delineating the boundaries of the lot:
 - a) Name and address of owner of the well,
 - b) Date of construction of the well,
 - c) The address of the property served and/or the lot and map number assigned by the assessor's office.
 - d) The depth, size, and method of construction of the well,
 - e) The static water level from the ground or top of the casing.
 - f) The yield of the well,
 - g) The well driller's/digger's log information,
 - h) The well location referenced to at least three permanent structures or landmarks.
- 2) The well driller's/digger's report shall be signed by an authorized representative of the well driller's/digger's company and shall constitute a statement of compliance with all requirements of these regulations. This will satisfy the requirement of the Certificate of Compliance.
- 3) ~~The submittal to the Board of Health type of water quality treatment system (if any) installed as part of the well construction along with proper locations of back flush not allowed to septic system.~~
- 4) ~~Deed notice if water quality system is required in the opinion of the Board or to meet primary or secondary water quality standards for the purpose of treating a specific contaminate.~~

5.8 Existing Wells

- 1) No duly ~~permitted well~~ in existence on the effective date of this regulation shall be required to conform to the provisions of Sections 3.1., 3.2, and 3.3 of this regulation adopted pursuant thereto.
- 2) Any well now or hereafter abandoned or destroyed, including any well deemed to have been abandoned as defined in this regulation shall be brought into compliance with the

Commented [TR28]: Keep section although redundant

requirements of this regulation any applicable rules or regulations with respect to abandonment of wells.

5.9 Well Alterations

- 1) All well alterations as defined in Section 2.2 shall meet all the requirements included in this regulation. Pump repair or replacement and water line repair or replacement shall not be deemed a well alteration.
- 2) Modifications to the well structure or components is considered an alteration excluding well pump replacement due to pump failure. In example **Geothermal, hydrofracing needs.**

5.10 Private Well Certificate

The issuance of a Private Well Certificate by the Board shall certify that the private well may be used as a drinking water supply. A Private Well Certificate must be issued 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 private well. The Board shall issue the Private Well Certificate within 7 business days after all required documents are received, reviewed and accepted.

The following shall be submitted to the Board to obtain a Private Well Certificate:

- 1) A well construction/destruction permit.
- 2) A copy of the water well completion report as required by the **Division of Water Resources (CMR 313, section 3.00)**
- 3) A copy of the Certificate of Construction/Destruction, Water Quality & Quantity Compliance Report.
- 4) A copy of the water quality analytical test results.
- 5) **A deed notice if treatment system is required to meet MCL or SMCL standards.**

Commented [TR29]: Need to reference DEP

Upon receipt and review of the above documents, the Board shall make a final decision on the application for a Private Well Certificate. A final decision shall be in writing and shall comprise one of the following actions:

- 1) Issue a Private Well Certificate,
- 2) Deny the applicant a Private Well Certificate and specify the reasons for the denial,
- 3) Issue a conditional Private Well Certificate with those conditions, which the Board deems necessary to ensure fitness, purity and quantity of the water, derived from that private well. Said conditions may include, but not be limited to, requiring treatment or additional testing of the water, deed notification or other forms the Board deems necessary.

6.0 Well Destruction

6.1. Abandoned wells, test holes, or borings meeting the definition of 2.1 shall be either:

- a) Sealed with non-hazardous, impervious materials which shall be permanently in place with all exposed casing materials, pumping equipment, and distribution lines removed with the excavation returned to the existing grade of the surrounding land OR,
- b) Sealed with a welded cap so as to prevent surface water or contaminants from entering the well.

6.2 The following information shall be submitted with each Well Destruction Application, prior to issuance of a Well Destruction Permit:

- 1) The specific location of the well to be destroyed shown on a plot plan
- 2) The design and construction of the well to be destroyed
- 3) A written statement from the property owner that the well is abandoned

6.3 Within 30 days after the destruction of any well, the well driller/digger shall submit to the Board a report containing the following:

- 1) The date of destruction of the well,
- 2) The name and address of the owner of the well,
- 3) The address of the property served,
- 4) The method of sealing including materials used,
- 5) The person or persons sealing the well,

6.4 The well Driller's/Digger's Report shall be signed by an authorized representative of the driller/digger's firm and shall constitute a statement of compliance with all requirements of these regulations. This signed report will satisfy the requirements of the Certificate of Destruction.

7.0 Variances

7.1 The Board may grant a variance to the application of these regulations with respect to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and the applicant has proven that the same degree of public health and environmental protection required under these regulations can be achieved without strict application of a particular provision(s).
The Board of Health may issue variance subject to conditions it deems necessary to protect the public health, safety, welfare and the environment.

7.2 ~~Variances for the construction of new private wells and alterations of existing private wells do not require a public hearing. No application for a variance shall be complete until the applicant has notified all abutters by certified mail at his or her own expense at least ten days before the Board of Health meeting at which the variance request will be on the agenda. The notification shall reference the specific provisions of the Well Regulations from which a variance is sought, and the date, time and place where the application will be discussed.~~

7.3 Variance requests shall be in writing to the Board and include all the information/reasons and proposed measures necessary to assure the protection of the public health and environment. The variance request will appear on the agenda of the next regularly scheduled meeting of the Board. Within fourteen (14) days of the next regularly scheduled meeting, the Board shall grant, modify, or deny a variance in writing and state the reasons for any denial.

Commented [TR30]: Variance requirements

8.0 Penalties

8.1 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 ten (\$10.) nor more than five hundred (\$500.) dollars. Each day's failure to comply with an Order shall constitute a separate violation.

9.0 Disclaimer

9.1 The issuance of a Private Well Certificate shall not be construed as a guarantee by the Board or its agent that the water supply system will function satisfactorily nor that the water supply will be of sufficient quality or quantity for its intended use.

10.0 Severability

10.1 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(s) and the remainder of these regulations shall remain valid and affective. 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.

This regulation was amended on **April 26, 2025** and shall take effect on **April 26, 2025**.

Alan Greenberg, Chairman

Thomas Fichtner, Vice-Chairman

Joyce Gilmore, Member