RULES AND REGULATIONS GOVERNING PRIVATE WELLS LOCATED WITHIN THE TOWN OF CARVER

Effective Date: October 1, 2004
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Section I Authority

This regulation is adopted by the Board of Health under Massachusetts General Laws, Chapter 111, Section 31.

Section II Purpose

The purpose of this regulation is to help insure that homes and businesses within the Town of Carver have adequate and sanitary private water supplies. It does so by providing requirements for appropriate well siting relative to potential sources of pollution, by defining water quality standards, by specifying well installation procedures, and by requiring documentation of known water quality problems.

Section III Well Installers

The State Water Resource Commission shall license all well installers.

Section IV Well Permits

No well shall be drilled or repaired to the extent that the well casing is affected, without first receiving an installation or repair permit from the Board of Health. Emergency repairs are allowed without prior Board approval although a permit must be obtained at the earliest opportunity. Permits are valid for a period of one year. The permitting procedure is as follows:

1. Apply to the Board of Health for a permit on the form supplied by the Board.
2. After the well is installed, flow tested, and adequately run-off, a water sample will be taken in the presence of a representative of the Board or other specifically authorized individual. The sample will be delivered to a state certified lab in such a manner as to insure sample integrity. The Board may require more specific sampling or delivery procedures as it perceives necessary.

A permit may be revoked at any time, if in the Board's opinion, the use of such a well constitutes a potential health hazard or if information included with the well permit is false or incomplete. This includes existing wells.

3. The well driller will supply to the Board a copy of the well drilling log.
4. The Board will then consider issuing a well certificate of compliance after evaluating the well log, water tests, site inspection reports, and any other pertinent information.
   Conditional permits or well certificates of compliance may require treatment systems, property deed registrations, water test schedules, liability waivers or other measures deemed necessary by the Board.

Section V Siting Requirements

Every possible source of pollution or set of circumstances cannot be foreseen by the Board of Health. The Board can deny, revoke, or conditionally issue a well permit when, in it's judgment, it is in the best interest of public health. The Board will consider, among other factors, hydrological conditions and known, suspected , or potential sources of groundwater contamination, when considering well permit applications.

It is well documented that several areas of the Town of Carver have experienced private well water quality problems due to high density housing relying on both onsite water supplies and septic disposal.
The following minimum lateral distance requirements shall apply to common potential sources of contamination:

POTENTIAL CONTAMINATION SOURCE	DISTANCE
Septic system leaching facility or reserve area	150 feet
Septic tank, distribution box, dosing tank	50 feet
Property lines	20 feet

Road run-off drainage easement or other areas susceptible to road drainage leaching	50 feet
Non-leaching road drains	50 feet
Individual lot drainage leaching facility (exclusive of road drainage and receiving water only from the lot of the permitted well)	50 feet
Utility easements susceptible to herbicide applications	100 feet 50 feet with proper well marking
Other areas susceptible to herbicide, pesticide, or fungicide applications (including cranberry bogs)	150 feet (exclusive of irrigation wells)
Underground petroleum storage tanks	200 feet
Landfills	500 feet
Other potential pollution sources	Board's discretion

The above distances are applicable to wells serving single family homes. The Board will require larger clearances for wells with greater utilities. Such requirements will be based on sound engineering principles. If in the opinion of the Board, adverse conditions exist, distance requirements may be increased.

Section IV Water Analysis Requirements

All new or repaired wells shall be tested for bacteriological and chemical quality. Analysis should include the following tests, although allowances for different lab protocols will permit the Board, at it's sole discretion, to waive testing for non-critical parameters, without the need or a formal variance. The tested parameters along with the various response concentration levels (see Section VII) are summarized below. The response levels were arrived at by considering two factors, the relative ease of treatment and the potential health or nuisance effects of untreated or undertreated water.

All newly developed building lots will be tested using the "Standard Potability or General Chemistry" Test. All water tests shall be performed by a state certified lab. Other protocol may be approved of or required by the Board.

Section VII General Well Characteristics

Each well shall be installed in such a manner as not to be susceptible to flooding by either ground or surface water.

Each well location will be clearly marked at ground level with a permanent marker such as a concrete stake or PVC pipe.

Water distribution piping shall be connected to a drilled well with steel casings by means of a pitless adapter or sanitary seal installed below the frost line.

Each individual domestic well must show a constant and sustained pumping rate of at least three gallons per minute over a four hour pumping test.

Section VIII Technical Assistance

The Board may require technical assistance to review information to ascertain any potential health impacts from projects not within the reasonable technical understanding of the Board.

The applicant, developer, builder, homeowner or other person or persons, as determined by the Board, is responsible for the expense of such assistance in the manner prescribed by the Board, is sufficient reason for permit denial or revocation.

The Board may verify supplied technical information at it's own expense. If such verification contradicts supplied information, the applicant, developer, builder, homeowner or other person or persons, as determined by the Board, is responsible for the cost of such study.

Section IX Variance Procedures

Well variances for newly developed house lots, new construction on existing lots, and extensive renovation of dilapidated housing, will be considered by the formal variance consideration process. Requirements for existing dwellings may be waived without the need for a formal variance, if a hardship exists, and if doing so will not create a health risk.

Section X Appeals

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

Section XI Enforcement

The Board may issue administrative orders, enforcement orders, violation notices, requests for compliance and other documents and other correspondence to enforce provisions of this regulation. The Board may pursue criminal prosecution or civil litigation or both in the courts of the Commonwealth of Massachusetts.

The Board may revoke or refuse to issue well permits to violators of this regulation, to their representatives or to contractors acting on their behalf.

The Board may also refuse to issue sewage system installation permits or certificates of compliance for lots with wells not in compliance with these regulations or for systems which may affect the compliance of neighboring wells.

Section XII Property Deed Attachment

If, in the Board's opinion, an existing well, a new well, or a particular land location and the underlying aquifer that would support a new or existing well, is a threat to the public health, the Board may require that information be attached to the property deed warning of such threat. If required, such documentation is to be reviewed and approved of by the Board.

Section XIII Reciprocity

These regulations also are intended to regulate activities in the vicinity of private wells. Therefore, no activity may take place or no facility may be constructed that may be a threat to the public health as defined by these regulations.

Section XIV Penalties

Violators of this regulation shall be punished in the criminal prosecution by a fine of up to $500.00 under Massachusetts General Laws, Chapter 111, Section 31 or in any other manner as prescribed by law.

Section XV Severability

If any provision of this regulation is declared unlawful by a valid judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining provisions of this regulation.

DATED:

CARVER BOARD OF HEALTH

Edgar B. Lawrence, Chairman

Steven D. Crawford, Member

Arthur F. Borden, P.L.S., Member