

**Westminster Board of Health
Regulations for Private Wells**

Effective 07/01/2023

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I. PURPOSE

The purpose of this regulation is to provide for the protection of the public health, safety, welfare, and the environment by, among other things, requiring the proper siting, construction and testing of private wells.

II. AUTHORITY

These regulations are adopted by the Westminster Board of Health, pursuant to its authority under Massachusetts General Laws, Chapter 111, Section 31. These regulations supersede all previous Regulations for Private Wells adopted by the Board of Health.

III. DEFINITIONS

Agent: Any person designated and authorized by the Board to implement, in whole or part, these regulations. To the extent provided by the Board, 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 applies to have a private well constructed.

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.

Bentonite Grout: A mixture of bentonite (API Standard 13A) and water in a ratio of not less than one (1) pound of bentonite per one (1) gallon of water.

Board: The Board of Health of Westminister, MA or its authorized agent.

Business of Digging or Drilling: A person who charges a fee for digging or drilling a well, or any person who advertises, for hire, to dig or drill wells within the Commonwealth of Massachusetts.

Casing: An 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: A laboratory certified by the Massachusetts Department of Environmental Protection for the analysis of drinking water and required water quality analytes. Provisional certification is acceptable.

Certified Well Driller: Any person certified with the Department of Environmental Protection Well Driller Program, to dig or drill wells in the Commonwealth of Massachusetts and is licensed by the Board.

Concrete: A mixture consisting of Portland cement (ASTM Standard C150, type I or API Standard 10, Class A), sand, gravel, and water in a proportion of not more than five (5) parts of sand plus gravel, to one (1) part cement (by volume) and not more than six (6) gallons of water. One (1) part cement, two (2) parts sand, and three (3) parts gravel are commonly used with up to six (6) gallons of water.

Cross-connection: Any actual or potential connection between the public water supply and a source of contamination or pollution.

Cluster Subdivision: As defined in Westminister Zoning Regulations.

Emergency: An event that requires the Board of Health to take immediate action to protect the public health.

Irrigation well: A well that is used for the sole purpose of watering or irrigation. The well shall not be connected at any time to a dwelling or a building unless it meets the requirements of a Private Drinking Water Well and has the Board's written approval.

Maximum Feasible Compliance (MFC): The objective is for full compliance with these regulations. No waiver is possible for new construction. When full compliance of a replacement of an existing well, is not feasible, the Approving Authority may issue waivers authorizing the upgrade of the well with the goal of maximizing protection of public health, safety, welfare, and the environment to the maximum extent feasible. MFC applies to upgrades and not new construction.

Monitor Wells: Are wells that are used to measure or monitor the level, quality, quantity, or movement of subsurface water.

Neat Cement Grout: A mixture consisting of one (1) bag (94 pounds) of Portland cement (ASTM Standard C 150, Type I or API Standard 10, Class A) to not more than six (6) gallons of clean water. Bentonite (API Standard 13A), up to two (2) percent by weight of cement, shall be added to reduce shrinkage. Other additives, as described in ASTM Standard C494, may be used to increase fluidity and/or control setting time.

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

Well: Any dug, driven, or drilled hole, with a depth greater than its largest surface diameter constructed that is not regulated by 310 CMR 22.00

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

Resource Area: The land (not water) subject to protection under the Wetlands Protection Act and/or the Westminster Conservation Commission

Sand Cement Grout: A mixture consisting of Portland cement (ASTM Standard C150, Type I or API Standard 10, Class A), sand, and water in the proportion of one (1) part cement to three (3) or four parts (4) sand, by volume, and not more than six (6) gallons of water per bag (94 pounds) of cement. Up to five percent, by weight, of bentonite (API Standard 13A) shall be added to reduce shrinkage.

Soil Borings: Borings that are for the sole purpose of retrieving soil samples and are open for less than twenty four (24) hours. Soil borings are not wells and do not require a permit.

Stable Water Level: A water level that does not rise, fall, or change in any way.

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. Examples include a building, framework, retaining wall, fence, etc.

IV. WELL CONSTRUCTION PERMIT

Prior to any work on a well, A Massachusetts Certified Well Driller shall obtain a well construction permit from the Board of Health, by completing a form/application furnished by the Board. The Board shall deny a well construction permit to any Driller who has not met all the requirements of the form/application, this regulation or State Regulations.

No work shall be commenced prior to having a signed permit in hand and giving the Board of Health twenty-four (24) hours' notice.

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 proof of a valid Massachusetts certification/license
3. A plan with a specified scale, signed by a registered surveyor or engineer, that shows the location of the proposed well in relation to existing and proposed structures that are above or below the ground.
4. A description of prior and current land uses within two-hundred (200) feet of the proposed well location. This must represent any potential sources 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. Public and private ways
 - e. Utility rights-of-way
 - f. Any other potential sources of pollution.
5. If the proposed well is less than one-hundred (100) feet from the property line, then proof that the owner of the property abutting the applicant's property has been notified of the applicant's intention to install a well. Proof may include: a green card from a letter sent certified mail, or a signed letter that was hand delivered.
6. Permit fee: please see BOH fee list

The permit shall be on site at all times that work is taking place. Each permit shall expire one (1) year from the date of issuance unless revoked, for cause, or extended. Permits may be extended for one additional six (6) month period provided that a written explanation for the request is received by the Board prior to the one year expiration date.

All well drillers doing business in the Town of Westminster must be in possession of a current Massachusetts well driller license issued pursuant to M.G.L. c. 21, § 16.

Well Construction Permits are not transferable.

The Board may grant a permit in an emergency situation provided that the Agent has ascertained that the new well will be within ten (10) feet of the current well and that all the requirements of this regulation

will be met; including that the required application and accompanying information is submitted to the Board within seven (7) days of completion of the work.

V. WATER SUPPLY CERTIFICATE

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

The following shall be submitted to the Board of Health to obtain a Water Supply Certificate:

1. A well construction permit
2. A copy of the Well Completion Report as required per 310 CMR 46
3. A copy of the Pumping Test Report required pursuant to Section VII of these regulations
4. A copy of the Water Quality Report required pursuant to Section VIII of these regulations

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

1. Issue a Water Supply Certificate
2. Deny the applicant a Water Supply Certificate and specify the reasons for the denial
3. Issue a Water Supply Waiver with those conditions, which the Board deems necessary to ensure fitness, purity, and quantity of the water derived from that private well. These conditions may include, but not be limited to, requiring treatment and/or additional testing of the water.

The issuance of a Water Supply Certificate shall not be construed as a guarantee that the private well will function satisfactorily. The issuance of certificate only indicates that the requirements of this regulation, at the time of signature, was met.

VI. WELL SITING REQUIREMENTS

In locating a well, the applicant shall identify, on a plan, all known potential sources of contamination (existing and proposed), within two-hundred (200) feet of the well. When possible, the well shall be located up gradient of all potential sources of contamination and shall be as far away from potential sources of contamination as possible, given the layout of the property.

No well shall be permitted unless it meets the following setback requirements:

1. 15 feet from the property line
2. 25 feet from public or private roadway
3. 15 feet from right of way
4. 50 feet from building sewer line or septic tank
5. 100 feet from leaching field or drywell
6. 100 feet from stable, barnyard, manure storage

7. 25 feet from any resource area per Westminster By-Laws
8. All well casing must be 18" above 100 year flood elevation and/or surrounding topography.
9. 25 feet from any Wetland (as defined by Massachusetts Wetlands Protection Act with the exception of open water)
10. 100 feet from any body of open water (the high water level of any Lake, Pond, Stream, Brook, etc.)

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

Each private well shall be located so that it is accessible for repair, maintenance, testing, and inspection. The well shall be completed in a water bearing formation that will produce the required volume (5 GPM) of water under normal operating conditions.

Water supply lines shall be installed at least ten (10) feet from and eighteen (18) inches above any sewer line. Whenever water supply lines must cross sewer lines, both lines shall be constructed of Class 150 pressure pipe and shall be pressure tested to assure water tightness.

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.

Prior to approving any request or application for a Cluster Subdivision, the Board of Health shall require a Hydrogeological Study acceptable to Board to assure that there is an adequate drinking water supply to support the proposed subdivision.

VII. WATER QUANTITY AND PUMP REQUIREMENTS

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

1. The name and address of the well owner
2. The well location, referenced to at least two permanent structures or landmarks, and the GPS coordinates in decimal degree format
3. The date the pumping test was performed
4. The depth at which the pump was set for the test
5. The location for the discharge line
6. The static water level immediately before pumping commenced
7. The discharge rate, and if applicable, the time the discharge rate changed
8. The pumping water levels and respective times after pumping commenced
9. Maximum drawdown during the test, including both the pumping time and the recovery time during which measurements were taken
10. Recovery water levels and their respective times after cessation of pumping, and a reference point used for all measurements.

In order to demonstrate that the well capacity can provide the required volume of water, the pumping test shall be conducted in the following manner:

1. The requirement is a minimum of 5 gallons per minute (GPM) yield from wells. This needs to be demonstrated by:
 - a. Pumping a minimum of 5 gallons per minute over 1 hour with no change in water elevation in the well.
 - b. A comparison of the pumping test from the well completion report and this test to verify that the requirement has been met.
 - c. The pumping test needs to be witnessed by a member of the Board of Health. The following data must be reported:
 - i. The date and time of the test
 - ii. The water level at the start of the test, and the time the test was started
 - iii. The time when the well hits stabilization, and the water level at that time
 - iv. The pumping rate
 - v. The test finish time
 - vi. The depth of the well
 - vii. The elevation of the pump in the well

VIII. WATER QUALITY TESTING REQUIREMENTS

After completion of well construction, disinfection, and prior to using it as a private drinking water well, the baseline water quality testing shall be conducted.

A water sample shall be collected either after purging three (3) well volumes of water 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.

Water quality testing utilizing the applicable US EPA approved method for drinking water testing, shall be conducted by a Massachusetts certified laboratory and shall include analysis for the following parameters:

- Alkalinity
- Calcium
- Color
- Chlorine
- Magnesium
- Arsenic
- Chloride
- Copper
- Fluoride
- Hardness
- Iron
- Lead

- Manganese
- PH
- Sodium
- Total Coliform bacteria
- E. coli bacteria
- Nitrate
- Nitrogen Nitrite
- Nitrogen Ammonia
- Odor
- Potassium
- Sediment
- Sulfate
- TDS
- Turbidity

Additional requirement for New Wells:

- PFAS6, which includes: PFHpA (Perfluoroheptanoic acid); PFHxS (Perfluorohexane sulfonate); PFOA (Perfluorooctanoic acid); PFNA (Perfluorononanoic acid); PFOS (Perfluorooctane sulfonic acid); PFDA (Perfluorodecanoic acid).

In wells drilled into bedrock, the Board of Health requires that in addition to the parameters listed above, a Gross Alpha Screen and Radon test be performed. If the Gross Alpha screen detects radiation of fifteen (15) pci/l or more, then the water must be analyzed for Radium and Uranium concentrations.

It is recommended that the owner of every well used for drinking water including those serving a property which is rented or leased have its water tested at a Massachusetts certified laboratory for the following chemical and bacteriological parameters at a minimum of once a year:

- Total coliform bacteria
- E. coli bacteria
- Nitrate
- Nitrite
- pH
- Conductivity
- Sodium
- Iron

All other required chemical parameters should be tested at a minimum of every ten (10) years. The Board of Health may require more frequent testing, or testing for additional parameters, where other water quality problems are known or suspected to exist.

The owner of a rental property shall make results of all water quality tests available to all tenants of the property and the Board of Health. In cases where the well water does not meet the water quality standards

outlined above, the Board of Health may require the property owner to provide an alternative, approved source of drinking water for the tenants.

Prior to selling, conveying, or transferring title to real property, the owner shall have tested the water of every private drinking water well serving that property. A water sample from each well shall be submitted to a Massachusetts certified laboratory for testing for the parameters listed in the Water Quality section of this document. This water quality testing shall have been performed not more than one (1) year prior to transfer of the property. Results of the water quality testing shall be submitted to the Board of Health prior to the transfer of property.

In addition, the owner shall give copies of all available water quality test results, of which he/she has knowledge (regardless of age of results), for the private well in question to any buyer and/or broker involved in the transfer. In the event that there is no buyer at the time the water is tested, a copy of all water test results must be given by the owner to the buyer before the property is put under agreement.

The Board reserves the right to require retesting 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 public health, safety, welfare, and the environment. All costs and laboratory arrangements for the water testing are the responsibility of the applicant.

Following a receipt of the water quality test results, the well owner shall submit a Water Quality Report to the Board, which includes:

1. A copy of the certified laboratory's test results
2. The name and contact information of the individual who performed the sampling
3. Where in the water system that the sample was obtained

This regulation requires that private drinking water wells meet all current Massachusetts' Primary and Secondary Drinking Water Standards and Guidelines adopted by the MassDEP Office of Research and Standards (ORS). In any case where a private drinking water well does not meet such Standards or Guidelines, as it deems it necessary for the protection of public health, safety or welfare, the Board may take action not limited to, requiring the property owner to provide an alternative source of drinking water.

All water samples taken for water tests need to be witnessed and sealed by a member of the Board.

IX. WELL CONSTRUCTION REQUIREMENTS

Pursuant to 310 CMR 46.02 (1), no person in the business of digging or drilling shall construct a well unless certified by the MassDEP Well Drillers Program.

All plumbing and electrical work must be performed by licensed tradesman and be properly permitted through the Building department. Any work involving the connection of the private well to the distribution system of the residence must conform to the all plumbing codes. All electrical connections between the well and the pump controls must be made by a licensed electrician. All piping between the

well and the storage and/or pressure tank in the house must be made by a licensed plumber, including the installation of the pump and appurtenance(s) in the well or house.

NOTE:

The Westminster Board of Health does not allow dug wells, as these types of wells are shallow, making them especially susceptible to contamination and seasonally fluctuating water tables.

No cross-connections between Public and Private water supplies are permitted per Westminster DPW.

It is prohibited by 310 CMR22.22 (2) (j) to have a cross connection between a public water system and a private well used for either drinking water or irrigation purposes.

A. General Well Design and Construction

All private wells shall be designed and constructed such that:

1. The materials used for the permanent construction are durable in the specific hydrogeological environment that occurs at the well site
2. No unsealed opening is left around the well, which could conduct surface water or contaminated groundwater vertically to the intake portion of the well or transfer water from one formation to another.

Permanent construction materials shall not leach or contribute toxic substances, taste, odor, or bacterial contamination to the water in the well.

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.

Well construction design shall ensure that surface water does not enter the well through the opening or by seepage through the ground surface. Construction site waste and materials shall be disposed of in such a way as to avoid contamination of the well, any surface water, or the aquifer. All such activity must follow all Local and State Regulations. During any time that the well is unattended, the contractor shall secure the well in a way as to prevent either tampering with the well and/or the introduction of foreign material into the well.

All water used for drilling, well development, or to mix a drilling fluid shall be obtained from a source which will not result in contamination of the well or the water bearing zones penetrated by the well.

Water from wetlands, swamps, ponds, and other similar surface features shall not be used.

Water shall be conveyed in clear sanitary containers or water lines and shall be chlorinated to an initial concentration between 50 mg/l and 100 mg/l. All drilling equipment, including pumps and Downhole Tools, shall be cleaned and disinfected prior to drilling each new well or test hole.

All drilling fluids shall be nontoxic. Drilling fluid additives shall be stored in clean containers and shall be free of material that may adversely affect the well, the aquifer, or the quality of the water to be pumped

from the well. Surfactants shall be biodegradable. The use of biodegradable organic polymers shall, when possible, be avoided.

All wells, including those that have been hydro fractured, shall be developed in order to remove fine materials that may be introduced into the pore spaces or fractures during construction. One or more of the following methods shall be used for development: over pumping, backwashing, surging, jetting, air-lift pumping.

The completed well shall be sufficiently straight so that there will be no interference with installation, alignment, operation, or future removal of the permanent well pump.

B. Well casing

Private water supply wells shall be constructed using either steel or thermoplastic well casing. The casing shall be of adequate strength and durability to withstand anticipated formation and hydrostatic pressures, the forces imposed on it during installation, and the corrosive effects of the local hydrogeological environment.

All casing used in the construction of private wells shall be free of pits, breaks, gouges, deep scratches and other defects. If previously used casing is installed, it shall be decontaminated and disinfected prior to installation.

Installation of water well casing shall be done in a manner that does not alter the shape, size, or strength of the casing, and does not damage any of the joints or couplings connecting sections of the casing. A standard drive shoe shall be used when the casing is installed. The drive shoe shall be either welded or threaded to the lower end of the string of casing and shall have a beveled metal cutting edge forged, cast, or fabricated for this specific purpose.

Upon completion of the installation procedure, the entire length of the casing above the intake shall be watertight.

Well casing terminating above-grade shall extend at least eighteen (18) inches above the highest surrounding ground surface at the wellhead except when the well is located in the 100 year flood zone as delineated by FEMA. When a well is located in the 100 year flood zone as delineated by FEMA, the well casing shall extend at least two (2) feet above the level of the highest recorded flood. The top of the well casing shall be reasonably smooth and level. If the well is located in a depression, the well casing need to be (18) inches above the highest elevation of the soil surrounding the depression.

C. Well screen

A well screen is required for all drilled wells that are completed in unconsolidated formations. All well screens shall be of Grade 304 stainless steel. Wells completed in bedrock do not require a screen unless the bedrock formation is brittle in nature or has a potential for collapse. The well screen aperture openings, screen length, and diameter shall be selected so as not to limit the aquifer's water yielding characteristics, while preventing soil particle access that would detract from well efficiency and yield.

D. Grouting and sealing

Private wells drilled in bedrock shall be grouted from the ground surface or to the bottom of the pitless adaptor (if present) to fifteen (15) feet into competent bedrock. Neat cement grout, sand cement grout, or Bentonite grout shall be used. It shall have a permeability of at least 1×10^{-7} and be emplaced using standard grouting techniques as described in the MassDEP Private Well Guidelines, as amended.

All wells, completed with the casing extending above grade, shall have a surface seal designed to eliminate the possibility of surface water flowing down the annular space between the well casing and the surrounding backfilled materials. The surface seal shall extend to a depth below the local frost line.

E. Wellhead completion

All wells shall be equipped with a sanitary seal or watertight cap designed to prevent surface water and foreign matter from entering the well.

The opening of the vent pipe shall be covered with a 24 mesh corrosion resistant screen and shall be large enough to prevent water from being drawn into the well through electrical conduits or leaks in the seal around the pump when the pump is turned on. The vent pipe shall terminate in a downward position at or above the top of the casing.

All connections to a well casing made below the ground shall be protected by either a pitless adaptor or a pitless unit that complies with the most recent revision of National Sanitation Foundation Standard Number 56, entitled "Pitless Well Adapters."

Above-grade connections into the top or side of a well casing shall be at least eighteen (18) inches above the established ground surface or two (2) feet above the level of the highest known flood, whichever is higher. Above-grade connections shall be sealed so that they are watertight.

The ground immediately surrounding the well casing shall be sloped downward and away from the well in all directions to eliminate the possibility of surface water ponding.

F. Disinfection

Upon completion of well construction, the well driller shall disinfect the well.

If a pump is to be installed immediately, the pump installer shall disinfect the well and pumping equipment after the pump has been installed. If the pump is not installed upon completion of the well, the pump installer shall, upon installation, disinfect the well and the pumping equipment. The pump installer shall also disinfect the entire water supply system immediately after any maintenance or repair work is done on the pump.

When a well is disinfected, the initial chlorine concentration shall be 100 mg/l throughout the entire water column.

For newly constructed or altered wells in which the pump is not immediately installed, the chlorine concentration used to disinfect the well shall be 100 mg/l. Upon installation of the well, the pump, the

pumping equipment, and the distribution system, (if connected) shall be disinfected with a chlorine concentration of 100 mg/l.

The disinfectant solution shall remain undisturbed in the well for a minimum of two (2) hours. After all the chlorine has been flushed from the water supply system, a water sample shall be collected and submitted to a Massachusetts certified laboratory. For new wells, the sample shall be tested pursuant to Section VI of these regulations.

Only certified well drillers are authorized to physically alter or repair a well. For wells, that have undergone repair, a sample shall be tested for total coliform bacteria and any other parameters deemed appropriate by the Board, prior to being put back in use.

X. 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 that allows the vertical movement of water.

The owner of a private well shall decommission the well if any of the following criteria are met:

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. The well has been out of service for at least three (3) years
3. The well is a potential hazard to public health or safety and the situation cannot be corrected
4. The well is in such a state of disrepair that its continued use is impractical or unsafe
5. 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

The property owner shall ensure that that all abandoned wells, test holes, and/or borings associated with the well installation are properly plugged before work at the site is completed. Only certified well drillers may plug abandoned wells, test holes, and borings.

Abandoned overburden wells or borings shall be completely filled with a low permeability grout, which cures with a final permeability of less than 1×10^{-7} cm/sec. Wells shall be plugged with neat cement grout, sand cement grout, concrete, or bentonite grout. In the case of a dug well, the fill can be material consistent with the surrounding material or clay to depth greater than the "B" layer.

Regardless of the type used, the grout used for plugging shall:

1. Be sufficiently fluid so that it can be applied through a tremie pipe from the bottom of the well upward
2. Remain as a homogeneous fluid when applied to the subsurface rather than disaggregating by gravity into a two phase substance
3. Be resistant to chemical or physical deterioration
4. Not leach chemicals, either organic or inorganic, that will affect the quality of the groundwater where it is applied

The plugging materials shall be introduced at the bottom of the well or boring, and placed progressively upward to a level approximately four (4) feet below the ground surface. Sealing materials shall not be poured from the land surface into the well, borehole, or annular space being sealed.

The well driller shall install a surface seal after the well or boring has been plugged. Before the surface seal is placed, the casing remaining in the hole shall be cut off. The remaining four (4) feet at the top of the well or boring shall then be filled with concrete. The top of the seal shall comprise a concrete slab above the top of the plugged well or boring. This concrete slab shall be at least six (6) inches thick and shall be at least two (2) feet greater in diameter than the well casing or borehole wall.

XI. ENFORCEMENT

The Board or its agent shall have the authority to investigate suspected or known violations of these regulations and/or violations of any Water Supply Certificate conditions. The Board or its agent may take actions, as it deems appropriate, within its authority for the protection of public health, safety, welfare, or the environment, and to enforce any of the provisions of this regulation.

If any investigation reveals a violation of these regulations or the Water Supply Certificate Conditions, the Board or its authorized agent may order the violator to comply with the violated provision(s), and/or take other action within its authority as the Board deems appropriate.

Any Order the Board issues shall be in writing and be mailed return receipt requested, or be delivered to the owner by an authorized Agent of the Board.

XII. HEARING

Any person to whom the Board issues an Order may request, in writing, a hearing before the Board by filing with the Board within seven (7) days after the day the Order was served. Upon receipt of a hearing request, the Board shall set a time and place for the hearing and shall inform the person requesting the hearing, in writing. The hearing shall commence within thirty (30) days from the day on which the written request was made, unless a later time is agreed to in writing by the Board and the person requesting the hearing. At the hearing, the person requesting the hearing shall be given an opportunity to be heard and show why the Order should be modified or withdrawn. After the close of the hearing, the Board shall issue a written decision to sustain, modify, or withdraw the Order and shall mail a copy of the decision, by certified mail, return receipt requested, to the person who requested the hearing. 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 clerk of the city or town, or in the office of the Board.

If a request for 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 whole or in part, each day's failure to comply with the order as issued or sustained, shall constitute a separate violation.

XIII. APPEAL

Any person aggrieved by the final Order, Variance, Well Construction Permit, or Certificate of Water Supply determination of the Board may appeal to any court of competent jurisdiction as provided by the laws of the Commonwealth.

XIV. PENALTIES

Any person who violates any provision of these regulations, or who fails to comply with any final Order of the Board, for which a penalty is not otherwise provided in any of the Massachusetts 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 a final Order, or any provision of this regulation shall constitute a separate violation.

XV. VARIANCE

The Board may grant a variance to any provision of this regulation when, in its opinion, the enforcement would result in manifest injustice, and the applicant has demonstrated that the equivalent degree of protection will be provided without strict application of the particular provision(s) sought to be varied.

Every request for a variance shall be in writing and shall state the specific provision of this regulation from which variance is sought, the reasons for seeking the variance, and proof of the notice required below. The request shall also contain the information to establish manifest injustice and equivalent degree of protection. At least ten (10) days prior submission of the application to the Board, the applicant shall provide notice of their intent to the request a variance as follows:

1. By certified mail, return receipt requested, to all abutters of the property upon which the private well will be or is located, and;
2. By publication in a newspaper of general circulation in the town or city in which the private well will be or is located.

The notice shall include at a minimum:

1. The name and address of the applicant
2. A statement of the provision(s) of this regulation from which a variance is sought
3. The reason for seeking the variance.

Any approval 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 or 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.

The Board may issue a variance subject to such conditions as it deems necessary to public health, safety, welfare, or the environment. Any such conditions shall be stated in writing in the Board's grant of the variance. The Board may revoke, modify, or suspend, in whole or in part, a variance after the property owner has been notified in writing and is afforded an opportunity to be heard, pursuant to Section XI of these regulations.

XVI. 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.

XVII. DISCLAIMER

The issuance of a well permit shall not be construed as a guarantee or certification by the Board or its agents that the water system will function satisfactorily or that the water supply will be of sufficient quality or quantity for its intended use.

Suspension or Revocation. The Board of Health may suspend or revoke any permit issued under the provisions of this regulation, wherever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information, or in violation of any bylaw or regulation or any of the provisions of this code.

Notification shall be verbal or written, when verbal it must be followed by a written notification within forty-eight (48) hours. All work must be stopped immediately upon notification unless otherwise allowed by the Board. Any person issued a written notice of suspension or revocation may request within seven (7) days and shall be granted a hearing on the matter before the Board of Health within thirty (30) days after written receipt of the request. Permits shall not be reinstated or reissued until all conditions for which they were revoked or suspended have been corrected in accordance with the specific stipulations of the Board of Health.

XVIII. EFFECTIVE DATE

These regulations were adopted by vote of the Westminister, Massachusetts Board of Health, at their regularly scheduled meeting held on _____, 20_23_ and are to be in full force and effect on and after ____7/1____, 20_23_. Before said date, these regulations shall be published and a copy placed on file in the Board of Health Offices and filed with the Department of Environmental Protection, Division of Wastewater Management in Boston. These regulations or any portions thereof may be amended, supplemented or repealed from time to time by the Board, as provided by law and applicable regulations.

Approved:

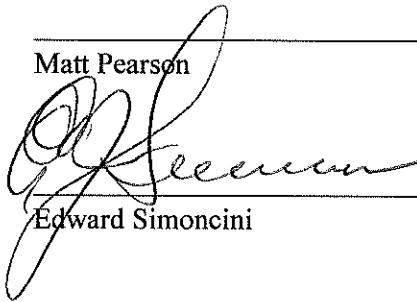


Dr Michael Popik

4/19/23
Date

Matt Pearson

Date



Edward Simoncini

4/19/23
Date

