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## SECTION 3.0

## WELL CONSTRUCTION REGULATIONS

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### 3.1 Preamble

The purpose of this regulation is to protect the public health, safety, and welfare by regulating the construction of potable and non-potable water supply wells and by requiring periodic retesting for water quality.

### 3.2 Authority

The Oak Bluffs Board of Health has adopted these regulations pursuant to its authority under M.G.L. Chapter 111, Section 31.

### 3.3 Well Construction Permits

3.3.1 A well construction permit shall be obtained from the Board of Health prior to the construction of any private well. Wells regulated by the Department of Environmental Protection (DEP), under the Mass Drinking Water Regulations (310 CMR 22.00) are exempt.

3.3.2 An application for a well construction permit shall be submitted by a Well Driller registered with the Department of Environmental Management, or its agent to the Oak Bluffs Board of Health or its agent on forms furnished by the Board. The well driller is responsible for obtaining said permit prior to well construction

3.3.3 An application for a well construction permit for a drilled well shall be submitted to the Board of Health or its authorized agent and must be accompanied by a site plan stamped by a Registered Professional Engineer or Registered Land surveyor showing the well location, lot dimensions, existing and proposed structures, and the location of any potential source of pollution within 100' of the lot. A permit so granted shall expire two years from the date of issue unless otherwise revoked for cause.

- 3.3.4 A fee of \$35.00 for the issuance of each well construction permit may be charged by the Board of Health at the time an application is made for this permit.
- 3.3.5 The Board of Health or its authorized agent may inspect the installation of the well and may at any stage of construction, require necessary modifications if conditions encountered are different from those originally proposed.

### **3.4 Well Locations and Use Requirements**

- 3.4.1 Dug wells will not be permitted. Driven wells will not be permitted for use as potable water supplies.
- 3.4.2 Minimum Lateral Distances - Each well shall be located at a minimum of 100' from a subsurface sewage disposal area (including reserve areas). 50' from a septic tank, 10' from a building sewer constructed of durable corrosion resistant material with watertight joints, or 50' from a building sewer constructed of any other type of pipe, 25' from a property line, 25' from a street layout, 50' from other wells, 25' from subsurface drains, 100' from underground oil and gasoline tanks and underground oil distribution lines, and 25' from the normal high water mark of any lake, pond, river, stream, ditch, or slough.

The Board may increase the distances listed in Subsection 3.4.2 and may impose minimum lateral distances from other potential sources of contamination when in its opinion, conditions warrant such protection. All such special location requirements shall be specified as a condition of the well construction permit. In certain cases, special means of protection for the well may be required such as a structure around a well near a driveway.

- 3.4.3 A well must be located on the lot which it serves.

### **3.5 Well Construction**

- 3.5.1 Well casing material shall consist of not less than schedule 40 steel or not less than schedule 40 PVC plastic, or other material of adequate strength and durability, and shall be free of pits, breaks, gouges, deep scratches, or other defects. Well casing shall be installed with care to avoid damage. The entire length of casing above the intake shall be watertight. Well casings for drilled wells shall be a minimum of 6 (six) inches in diameter.
- 3.5.2 The top of the well casing or extension thereof shall extend 12" above established ground surface or above the floor of an approved pit or within a flood-proofed well house. Wells located in designated flood hazard areas shall be constructed such that the well casing or extension thereof extends a minimum of 24" above the 100 year flood elevation.
- 3.5.3 Wells in unconsolidated formations shall be equipped with a properly sized screen, selected so as to prevent access of soil particles that would detract from well efficiency and yield.
- 3.5.4 The annular space between the protective well casing and the wall of the drilled hole or the surface casing shall be effectively sealed using neat cement or sand cement grout employed using standard grouting techniques to a depth below the frostline in order to protect against contamination or pollution by surface or shallow, subsurface waters.
- 3.5.5 The land around the well is to be graded so that surface water does not pond over the well, and is not diverted over the well.
- 3.5.6 Abandoned wells, defined as those not in service for one year, those not intended for future use, or those which pose a potential hazard or health threat in the opinion of the Board of Health, shall be destroyed by removing, plugging and sealing, or decommissioned to protect the groundwater. Wells out of use for an extended period of time, but less than one year, shall be covered with a secured cap.

- 3.5.7 Water distribution piping shall be connected to a drilled well by means of a pitless adapter installed below the frostline but in no case closer than 5 (five) feet from the finished grade. The water distribution piping shall be made of durable material and shall be located at a minimum of 10 feet from and 18 inches above sewer lines.
- 3.5.8 No person, corporation, or any other business shall allow a potable or non-potable well to be physically connected into the plumbing system of any structure serviced by the municipal water distribution system. Installation of any pipe from a potable or a non-potable well into any structure serviced by the municipal water distribution system is prohibited without prior written approval of the Oak Bluffs Water Department.

### 3.6 WATER QUALITY

- 3.6.1 Disinfection and Other Sanitary Requirements - All private wells shall be disinfected after construction, rehabilitation and well or pump repair before the well is placed in service. The well shall be pumped to waste until the water is as clear as possible. Thereafter the well and pumping equipment shall be disinfected with a solution containing at least 50ppm of chlorine. The well shall remain in contact with the chlorine solution for minimum of 24 hours before the well is pumped to waste and chlorine flushed from the distribution system. All water used in drilling should be disinfected.
- 3.6.2 Well water from all drilled wells shall be sampled following development and disinfection. Chemical and bacteriological analysis shall be completed and approval of the Board of Health must be obtained before the well is used. Driven non-potable wells are not required to be tested but a sign must be clearly posted at the well stating " For Non-Potable Use Only."
- 3.6.3 Sampling - A representative sample of water shall be collected and analyzed by a laboratory certified by the Massachusetts Department of Environmental Protection and a bacteriological and chemical report shall be filed with the Oak Bluffs Board of Health.

The results of the bacteriological analysis shall meet the standards specified in 310 CMR 22.00 (Mass Drinking Water Regulations).

Chemical Quality - All private wells shall be sampled and tested by a Massachusetts Certified Laboratory for water quality.

Periodic Retesting - Each private well shall be sampled and retested by the end of each even-numbered year commencing with 1996, and a copy of the test results shall be provided to the Board at the same time.

- 3.6.4 Treatment for pH, Alkalinity, high iron or manganese, calcium and excessive hardness, is allowed, however, a retest of the conditioned well water is required and must meet the criteria outlined in Section 3.6.3 prior to approval of the well.
- 3.6.5 Color, Turbidity, Odor and Taste which does not meet the specified criteria, must be related after treatment and prior to approval of the well.
- 3.6.6 Failure to meet the sodium level of 20 mg/L specified in 3.6.3 does not constitute disapproval of the well. Sodium levels which exceed 20 mg/L prior to conditioning will require the owner of the property to document and record at the Registry of Deeds, at the owner's expense, the sodium level(s) detected, the recommended sodium level of 20 mg/L, and a statement notifying property owners and occupants that potential adverse health impacts have been associated with high sodium intake.
- 3.6.7 The Board may require testing for additional parameters when, in its opinion, it is necessary due to local conditions or for the protection of health, safety and welfare.

### **3.7 Well Registration**

- 3.7.1 Property owners must register all wells, potable and non-potable, with the Board of Health.
- 3.7.2 Within 30(thirty) days of the completion of a well constructed in accordance with an approved Well Construction Permit, a Water Well Completion Report must be submitted to the Board of Health as specified in 313 CMR 3.00. The property owner must then notify the Board of Health when the well is operable and must submit the necessary well analysis and pump test.
- 3.7.3 Following review of analytical results, pump tests and all other pertinent information, an inspection will be made by the Board of Health or its agent(s) to verify the well location, construction, operation of the well pump, and any required posting.
- 3.7.4 A Well Registration Card will be issued to the property owner by the Board of Health if the well location, construction, operation, water quality and posting meet the specifications as detailed in these regulations.

### **3.8 Enforcement**

The Board of Health or its Agent(s) may enter upon privately owned property for the purpose of conducting inspections, investigating violations of these regulations, and performing all other duties under these regulations.

### **3.9 Variance Procedures**

- 3.9.1 The Oak Bluffs Board of Health may, after a public hearing, vary the application of any provision of this code 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 environmental protection required under this code can be achieved without strict application of the particular provision.
  - (a) Every variance request shall be made in writing stating the specific variance sought and the reasons therefore. When the variance sought relates to property line setbacks as specified in Section 3.4.2, direct abutter(s) must be notified in writing by the applicant seven (7) days prior to the hearing at which time the request will be considered. The notice, a copy of which shall be provided by the Board of Health, shall state the variance sought, the reasons therefore, and the hearing date, time and place.
  - (b) Any denial of a variance shall be made in writing and shall contain a brief statement of the reasons for denial.
  - © Any variance may be subject to such qualification, revocation, suspension, or expiration as the Board of Health expresses in its grant. A variance authorized 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 the opportunity to be heard.

### **3.10 Appeal**

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

### **3.11 Penalties**

Any person, business, corporation, etc., who violates any provision of this code for which a penalty is not otherwise provided in any of the General Laws, or any other state or federal codes shall upon conviction be fined not less than \$20.00 nor more than \$500.00. Each day's failure to comply with this code shall constitute a separate violation.

### **3.12 Severability**

If any provision of these regulations of 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.

### **3.13 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.