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RULES AND REGULATIONS FOR THE REGISTRATION AND CONSTRUCTION OF PRIVATE WATER SUPPLIES (WELLS)

The City of Newton Health and Human Services Department hereby orders that the following regulations be and are hereby adopted this 26th Day of June, 1989, to become effective on July 5, 1989, under authority of Section 31 of Chapter 111 of the General Laws of the Commonwealth of Massachusetts.

SECTION 1. PURPOSE

- 1.1 The City of Newton Health and Human Services Department seeks to assure that private water supplies be developed and installed so as not to contaminate the municipal water supply system and to protect aquifers within the City.

SECTION 2. APPROVAL OF SITE

- 2.1 The applicant, who shall be the property owner or his/her authorized agent, shall submit a plan to the Health and Human Services Department showing the location of the proposed well. Said plan shall show lot lines, structure locations, including septic systems and underground storage tanks, if any, roadways, drains, sewer lines and water service, along with distances thereto. The plan shall be drawn on a scale of approximately one inch equals forty feet. An application, provided by the department, shall accompany the plan.
- 2.2 The Health and Human Services Department shall review the plan within ten working days of its receipt. If the Department approves the plan, it shall issue a well permit. If it disapproves, it shall notify the applicant, in writing, of the reasons for disapproval.
- 2.3 A well may not be installed until a well permit has been received from the Health and Human Services Department
- 2.4 The Health and Human Services Department may charge a reasonable well permit fee.
- 2.5 The well permit shall expire twelve months after issuance if a well is not installed within twelve months.

SECTION 3. REGISTRATION REQUIREMENT

- 3.1 Any person installing a well permit by digging, driving, jetting, drilling or any other method shall be registered with the Massachusetts Water Resources Commission, as required by Massachusetts General Laws, Chapter 21, Section 16, and 313 CMR 3.00.
- 3.2 The owner of an existing well or his/her agent shall register the well with the Health and Human Services Department on a form provided by the Department.

SECTION 4. PLUMBING AND CROSS CONNECTIONS

- 4.1 The plumbing serving any private well shall be physically separated from plumbing connected to the Newton water system by a distance of not less than thirty six inches.

- 4.2 Plumbing connected to any private well not used as a potable water supply shall not enter any building served by the Newton water system.
- 4.3 Any tap, spigot or other faucet device connected to a private well shall be protected from use for drinking or other potable purposes and shall have a legible sign stating "DO NOT DRINK".

SECTION 5. LOCATION

5.1 Wells shall be located the following minimum distances from sources of contamination:

- (a) property line 5 feet
- (b) roadway 25 feet
- (c) leaching facility 100 feet
- (d) septic or pump tank 50 feet
- (e) underground storage tank 100 feet
- (f) building or public sewer *50 feet
- (g) subsurface drains *25 feet

*10 feet if constructed of durable, corrosion-resistant material with watertight joints.

5.2 The Health and Human Services Department reserves the right to increase the above distances when it believes conditions justify such an increase.

SECTION 6. USE AS A POTABLE WATER SUPPLY

6.1 No individual well of any type intended for use as a potable water supply shall be installed where a municipal supply of water is accessible or adjoining the property and where permission to connect to such a supply can be obtained from the authority having jurisdiction over it.

SECTION 7. ABANDONMENT OF WELLS

7.1 A well which has not been used for two consecutive calendar years shall be considered abandoned. The owner of record of such well shall notify the Health and Human Services Department that the well is abandoned and shall seal the well with materials which are approved by and in a manner satisfactory to the Health and Human Services Department.

SECTION 8. PENALTY

8.1 The penalty for violation of any provision of these regulations shall be a fine of not more than five hundred dollars. Each day's failure to comply with an order from the Health and Human Services Department shall constitute a separate violation of these regulations.

SECTION 9. VARIANCES

9.1 Variances to these regulations may be granted by the Commissioner of Health and Human Services if, in his/her opinion strict compliance with these regulations would manifest injustice and the applicant proves that the same degree of protection as required under these regulations can be achieved.

9.2 All requests for variances shall be in writing.

9.3 A hearing for a variance shall be held within fourteen days of receipt of a request.

9.4 Written notice of the decision of the Commissioner shall be given within ten working days of the hearing.

SECTION 10. SEVERABILITY

10.1 Should any provision of these regulations be ruled invalid by a competent authority, the remaining provisions shall be considered severable and remain in full force and effect.

SECTION 11. DISCLAIMER

11.1 The issuance of a well permit shall not be construed as a guarantee by the Health and Human Services Department 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.

SECTION 12. OTHERPERMITS

12.1 Applicants for well permits are reminded that they may be required to obtain plumbing and/or building permits. It is suggested that applicants contact the City of Newton Inspectional Services Department for further guidance.