

**PRIVATE DRINKING WATER REGULATIONS  
OF THE TOWN OF WHITMAN**

As adopted 5/1/81

Amended and Revised 10/4/83, 12/16/86, 9/28/93, 8/16/94, 1/3/95, 10/29/96, 12/2/96,  
1/5/99 and 5/18/99, 4/4/00, 2/15/05

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These regulations are adopted under the authority of Mass. General Laws Chapter 111, Sections 31 and Articles I and II of the State Sanitary Code.

These regulations are intended to promote the public health and general welfare by ensuring the private water systems in the Town of Whitman provide to the users thereof water that is safe, fit and pure to drink. These regulations pertain to those water systems which are not presently regulated by the Commonwealth of Massachusetts Department of Environmental Protection.

## SECTION I

### Definition of Terms

- (a) Private drinking water supply is defined as a system for the provision of drinking water for human consumption such that:
  - (1) The system has less than fifteen (15) service connections or regularly serves an average of less than twenty-five (25) individuals daily at least sixty (60) days of the year.
- (b) Board denotes the Whitman Board of Health.
- (c) DEP denotes the Commonwealth of Massachusetts, Department of Environmental Protection.

## SECTION II

### Construction and Location of Wells

- (a) No well shall be installed until a Permit to Install a Potable Water Well has been obtained from the Board. The fee for this permit shall be \$40.00.
  - (1) Two plot plans (**NO PHOTOCOPIES**), shall be submitted to the Board prior to the issuance of a Permit to Install a Potable Water Well by the Board. The field work and construction of the plot plan shall be performed by a registered professional engineer or registered land surveyor. This plan shall include, but not be limited to, the following:
    - (A) boundaries and area of the property where the well is to be sited;
    - (B) location of abutting streets and private ways;
    - (C) location of homes and septic disposal systems abutting the lot be serviced by the well;
    - (D) distances from well to the nearest street, home, leaching system and property boundary;

- (E) a 100' arc out from the well location showing a protective radius and a statement by the professional registered engineer or the registered land surveyor certifying that there are no septic systems within this radius.
- (b) Property lines and location of well to be staked on the site by the professional registered engineer or registered land surveyor.
- (c) New wells shall be located at least 25 feet from the street, 25 feet from property lines, 50 feet from a septic tank and 100 feet from any septic waste leaching system and reserve area in the vicinity and other distances as per Title 5, Section 15.211, The State Environmental Code.
- (d) All well points shall be constructed of stainless steel. All elbows or connectors used on plastic pipe below finished grade shall be constructed of durable plastic or stainless steel.
- (e) Evidence of yield of the well shall include a demonstration test by the well contractor that the well will deliver a minimum of five gallons per minute for a four-hour continuous period. The water flow requirement may be lowered when large storage, and/or storage pressure tanks are provided.
- (f) Well casing shall extend at least 12 inches above the finished ground surface unless the well is located in a floodplain. For wells constructed in a floodplain, the casing shall extend at least two feet above the level of the highest recorded flood. The inspection of this casing by the Board of Health will be required prior to the Board signing off on the building card for an occupancy permit.
- (g) To comply with Chapter 40, Section 54 Mass. General Laws the well shall be on the lot it serves.
- (h) The well shall be a distance of 25' from the closest part of a surface or drainage easement.
- (i) No dug wells shall be allowed. (DEP does not disallow dug wells but does not recommend their use due to possible contamination and the possibility of the well running dry.)
- (j) The Board strongly recommends that the six inch steel well casing should not be set until the well driller has penetrated into the firm bedrock at least 10 feet.

### SECTION III

#### Laboratory Certification

- (a) No laboratory shall conduct the analysis of drinking water required by these regulations and report them to the supplier of water or to the Board for the purpose of complying with these regulations unless the DEP has certified the laboratory as being capable of conducting uniform, professional and reliable analyses, and as being capable of documenting the validity of
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analytical data produced. Laboratories shall conduct analyses, documentation of analytical results, and data reporting in compliance with regulations and guidelines contained in the Massachusetts Drinking Water Regulations, unless amended herein.

## SECTION IV

### Private Water Sample Collection

- (a) Private water samples shall be collected, contained and preserved (if necessary), prior to delivery to a certified laboratory for analysis, according to Mass. Drinking Water Regulations, except that:
  - (1) Sufficient information shall accompany each sample to permit absolute identification. The specific information which must be provided to the certified laboratory when submitting a sample for analysis includes:
    - (a) the sample source;
    - (b) the location of the sampling site;
    - (c) the date and time of collection;
    - (d) prescribed sample preservation techniques employed (if preservation is necessary);
    - (e) the name and signature of the person collecting the sample;
    - (f) the name(s) and signature(s) of person(s) possessing the sample after collection and prior to laboratory receipt of the sample.
  - (2) Data collected and supplied to the laboratory according to Section IV, (1) above, shall be reported to the Board along with the report of analyses performed.
    - (a) Sample of water for initial pump off test shall be collected by a duly licensed person (ie., the well driller), not the property owner, and submitted to a certified laboratory for analysis. (amended 4/4/00).
  - (3) Sample of conditioned water shall be collected by an employee of a certified laboratory for analysis according to Mass. Drinking Water Regulations.
  - (4) Prior to the Board signing off on the building card for occupancy arrangements are to be made for the Health Inspector to do an onsite inspection to record the make and model no. of the conditioning unit and confirm presence of same.

## SECTION V

### Required Private Water Certification

- (a) No private water supply shall be made operable for the purpose of obtaining drinking water, excepting supervised testing or cleansing of the system, or collecting water samples, without the Board of Health signing the building card.
  - (1) If occupancy does not occur within one year of the well drilling, the water must be tested for all parameters before the Board will sign the building card.
- (b) Private water samples shall be analyzed and results of the analyses submitted to the Board for approval under the following conditions:
  - (1) new systems shall be approved by the Board prior to use.
  - (2) whenever an existing well is altered by re-locating, construction or repair to the well (excluding pump and/or distribution system).
  - (3) prior to sale of property which includes the private water supply. The new owners shall be provided with a copy of a recent (within 3 months) analysis by a certified laboratory showing the water to be within the the required parameters by the seller.

## SECTION VI

### Required Test Parameters

- (a) Private water samples shall be analyzed for the following parameters:

<u>Contaminant</u>	<u>Maximum Allowable Concentration</u>
Total Coliform	none allowed/100 ml
Iron	0.3 mg/L
Manganese	0.05 mg/L
Sulfate	250 mg/L
Chloride	250 mg/L
Hardness	500 mg/L
pH	6.5-8.5
Nitrate	10 mg/L

The Board will grant no variance allowing the use of the water, with or without treatment, which exceeds the maximum allowable concentration of total coliform bacteria.

The Board will not approve new sources of private water which exceed standards other than total coliform bacteria unless treatment is provided which renders water of acceptable quality to the user. Efficiency of treatment must be demonstrated by analyzing the treated water for the contaminants listed in (a) above and submitting the test results to the Board.

- (b) If the Board determines that water treatment is sufficient to reduce the contaminant concentrations listed in paragraph (a) to less than the limits stated, a variance may be granted for the use of the private water system provided that the person applying for the variance agrees in writing to all of the following:
- (1) inspection of the treatment equipment installation and certification by the Town's Plumbing Inspector to the effect that the installation meets existing codes and that no by-pass plumbing exists which would supply untreated drinking water to the user, and
  - (2) registry of the variance by an agent of the Board at the expense of the person obtaining the variance on the Certificate of Title of property containing the water supply, treatment equipment, and all user water outlets, and all
  - (3) treatment equipment shall be properly maintained at all times by the user and subject to compliance inspection by the Board upon 24-hours notice that an inspection will be made, and
  - (4) upon inspection by the Board, if treatment deficiencies are indicated, the Board may cause treated and/or raw water samples to be collected and analyzed at user expense to demonstrate compliance with paragraph (a) above, and
  - (5) failure to comply with all conditions of the variance shall, at the discretion of the Board, result in revocation of:
    - (a) the variance allowing use of the treatment equipment
    - (b) the Certificate of Occupancy of the water user or owner.
  - (6) Owners who sell, rent or lease property listed in the variance shall inform prospective buyers, tenants, or leasees, respectively, of all aspects of the variance, such information shall be signed by both the owner and the buyer, tenant or leasee. The owner retains responsibility for full compliance with the conditions of the variance. Such information shall include (but not be limited to):
    - (a) treatment equipment owner's manual, spare parts and supplies availability,
    - (b) estimated maintenance costs,
    - (c) full explanation of owner's commitments to comply with the conditions of the variance.

## SECTION VII

### Connection of Water Supply

- (a) When the private water supply is to be connected to the building's plumbing system the public water supply shall be shut off at the street and the water meter removed from the building.
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## SECTION VIII

### Decommissioning of Private Water Wells

- (a) The owner of the private well shall decommission the private well if the private well in the opinion of the Board meets any of the following criteria:
  - (1) construction of the private well is terminated prior to completion of the private well;
  - (2) the private well owner notifies the Board that the use of the private well is to be permanently discontinued;
  - (3) the private well has been out of service for at least one (1) year;
  - (4) the private well is a potential hazard to public health or safety and the situation cannot be corrected;
  - (5) the private well is in such a state of disrepair that its continued use is impractical;
  - (6) the private 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
- (b) Only licensed well drillers may decommission abandoned wells
  - (1) The well driller must submit a well completion report stating the date and manner in which the well was decommissioned to the Board.  
(amended 2/15/05)

## SECTION IX

### Responsibility

- (a) The maintenance of and yearly testing of a private drinking water well or an irrigation well is the homeowner's responsibility. The Whitman Board of Health will enforce these regulations within the scope of its authority. However, the responsibility of future monitoring, maintenance, testing and treating remains with the homeowner.
  - (b) The issuance of a private drinking water well permit shall not be construed as a guarantee by the Board that the water system will function satisfactorily nor that the water supply will be of sufficient quality or quantity for its intended use.
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WHITMAN BOARD OF HEALTH

Richard H. Colvin, CHO  
William F. Lemon, CHO  
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Effective August 1, 1999  
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