



Needham Public Health Division

178 Rosemary Street, Needham, MA 02494 781-455-7940 ext. 504
www.needhamma.gov/health 781-455-7922 (fax)



to any particular case when, its opinion, the enforcement thereof would do manifest injustice or conflict with the spirit of any minimum standard established by these regulations. Any variance shall, while it is in effect, be available to the public at all reasonable hours in the office of the Town Clerk, or in the office of the Board of Health.

Section 11.8 Enforcement and Penalties

11.8.1 Any person who violates the terms of these regulations shall be subject to a fine of five hundred dollars \$500 per offense. Each day shall constitute a separate offense.

11.8.2 Violations of this regulation and penalties listed in Section 8.a. may be subject to non-criminal disposition, M.G.L. Chapter 40, Section 21D, and Town of Needham, General By-Laws, July 1996 compilation, Section 9.2.2.6, Board of Health Regulations, and as amended. Each day that the offense continues shall constitute a separate offense.

11.8.3 These regulations may be enforced by the Town of Needham: Board of Health director or his designee, the Fire Chief or his designee, or by the Building Inspector or his designee.

Section 11.9 Severability

In the event any section, subsection or provision of the regulations are held to be invalid, it shall not effect the validity of any other section, subsection or provision thereof.

Section 11.10 Effective Date

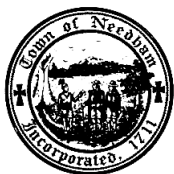
This regulation shall take effect after publication of a summary of the regulation in a newspaper published in the Town of Needham. As required by Massachusetts General Laws, Chapter 111, Section 31, an attested copy has been filed with the Department of Environmental Protection. A public hearing regarding this regulation was held on 07/20/93. This regulation was voted by a majority of the board on 07/20/93.

Article 12

RULES AND REGULATIONS FOR THE REGISTRATION AND CONSTRUCTION OF PRIVATE WATER SUPPLIES

The Town of Needham Board of Health hereby orders that the following regulations be and are hereby adopted this April 21, 1998 under authority of M.G.L. Chapter 111 Section 31 of the General Laws of the Commonwealth of Massachusetts.

SECTION 12.1. PURPOSE



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12.1.1 The Town of Needham Board of Health (hereinafter called the Board of Health) seeks to assure that private water supplies be developed and installed so as not to contaminate the municipal water supply system, to protect aquifers within the Town and to assure that any potable well meets the requirements of the Massachusetts Drinking Water Regulations. The Board of Health also seeks to identify the location of all irrigation wells which may draw from, or alter the flow of, areas of current or future groundwater contamination.

SECTION 12.2. APPROVAL OF SITE

12.2.1 The applicant, who shall be the owner of the property where the well is located or his/her authorized agent, shall submit a plan to the Board of Health showing the location of the proposed well. Said plan shall show all lot lines, structure locations, including septic systems and underground storage tanks, roadways, drains and sewer lines, along with distances to the proposed well. The plan shall be drawn on a scale of approximately one inch equals forty feet. An application, provided by the Board of Health, shall accompany the plan.

12.2.2 The Board of Health shall review the plan within ten working days of its receipt. If the Board of Health approves the plan, it shall issue a well permit. If it disapproves, it shall notify the applicant, in writing.

12.2.3 A well may not be installed until a well permit has been received from the Board of Health.

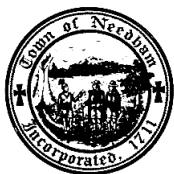
12.2.4 The Board of Health may charge a reasonable well permit fee.

12.2.5 The well permit shall expire if a well is not installed within twelve months.

SECTION 12.3. REGISTRATION REQUIREMENT

12.3.1 Any person installing a well 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.

12.3.3 The owner of any existing potable or irrigation well or his/her agent shall register the well with the Board of Health on a form provided by the Board of Health. Failure to register the potable or irrigation well with the Board of Health shall be considered a violation of this regulation.



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12.3.4 The Board of Health may charge a reasonable fee for the registration of any existing potable or irrigation well.

SECTION 12.4. PLUMBING AND CROSS CONNECTIONS

12.4.1 No private potable well, or its associated distribution system, shall be connected to the distribution system of the Town of Needham water supply system.

12.4.2 Plumbing connected to any private well used for irrigation purposes shall not enter any building served by the Needham water system.

SECTION 12.5. LOCATION

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

(a) property lines	5 feet
(b) roadways	25 feet
(c) leaching facilities	100 feet
(d) septic or pump tanks	50 feet
(e) underground storage tanks	100 feet
(f) building or public sewers	50 feet *
(g) subsurface drains	25 feet *

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

12.5.2 In any particular case, the BOH may increase the above distances when it decides that specific conditions justify such an increase.

SECTION 12.6. USE AS A POTABLE WATER SUPPLY

12.6.1 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 abutting the property and where permission to connect to such a supply can be obtained from the authority having jurisdiction over it.

12.6.2 Any private well used as a source of potable water shall meet or exceed the chemical and bacteriological requirements of the Massachusetts Drinking Water Regulations (310 CAR 22.00) Sections 22.05 through 22.08 inclusive. The water shall be analyzed by a state certified laboratory at the owner's expense, and a copy of the results submitted to the Board of Health at



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least seven days prior to the use of the supply. Thereafter, it is recommended that the well be tested annually for coliform bacteria.

12.6.3 Water drawn from a private well shall not be used as swimming pool water unless it meets the requirements of Section 6.2 above.

SECTION 12.7. IRRIGATION WELLS

12.7.1 Irrigation wells are for the sole purpose of irrigation and shall not be deemed or used as a potable supply for human consumption. Irrigation wells shall not be connected to a dwelling. There shall be no cross connection between the irrigation well and domestic supply.

12.7.2 Any tap, spigot or other faucet device connected to a private well shall be protected from use for drinking or other non-irrigation purposes and shall have a permanent, legible sign stating "DO NOT DRINK, FOR IRRIGATION ONLY."

SECTION 12.8. ABANDONMENT OF WELLS

12.8.1 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 Board of Health in writing that the well is abandoned and shall seal the well with materials which are approved by and in a manner satisfactory to the Board of Health.

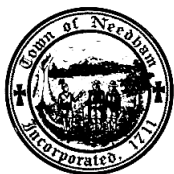
SECTION 12.9. PENALTY

12.9.1 The penalty for violation of any provision of these regulations shall be a fine of not more than five hundred dollars (\$500). Each day's failure to comply with an order from the Board of Health shall constitute a separate violation of these regulations.

12.9.2 Violations of this regulation and penalties listed in Section 8.1 may be subject to non criminal disposition, M.G.L. Chapter 40, Section 21D, and Town of Needham General Bylaws, July 1996 Compilation, Article 9, Sections 9.1 and 9.2, and as amended.

SECTION 12.10. VARIANCES

12.10.1 Variances to these regulations may be granted by the Board of Health, if in their opinion strict compliance with these regulations would do manifest injustice and the applicant proves that the same degree of protection as required under these regulations can be achieved with the variance.



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12.10.2 All requests for variances shall be in writing.

12.10.3 Written notice of the decision of the Board of Health shall be given within ten working days of the hearing.

12.11 TESTING

12.11.1 The Board of Health may require that testing of irrigation wells for fecal and total coliform and heavy metals be conducted at the landowners expense after the well is approved and installed and at times the Board of Health feels a health hazard exists or the property on which the well is located changes ownership.

SECTION 12.11. SEVERABILITY

12.11.1 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 12.12. DISCLAIMER

12.12.1 The issuance of a well permit shall not be construed as a representation by the Board of Health 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 12.13. OTHER PERMITS

12.13.1 Applicants for well permits may be required to obtain plumbing and/or building permits from the Town of Needham Building Department for further guidance.

SECTION 12.14. EFFECTIVE DATE

12.14.1 These regulations become effective immediately after publication in a local news paper.

Approved by Needham Board of Health April 21, 1998
Published in Needham Times on May 14, 1998

ARTICLE 13

SEPARABILITY CLAUSE

SECTION 13.1

So far as the Needham Board of Health may provide, each section of its rules and regulations shall be construed as separate to the end that if any section, sentence, clause or phrase shall be held invalid for any reason, the remainder of the rules and regulations shall continue in full force.