



# Franklin Regional Council of Governments

*Cooperative Public Health Service*

## **CPHS Formal Policy for Private Wells**

**Adopted by the Boards of Health in Buckland, Charlemont, Gill, Hawley, Heath, Leyden, Monroe and Rowe**

### **I. PURPOSE**

- (1) This policy is adopted pursuant to the general authority of the Board of Health to enforce the State Sanitary Codes, including 105 CMR 410.000 and 310 CMR 15.000, along with Local Septic Regulations and Local Private Well Regulations.
- (2) The purpose of this policy is to ensure uniformity among regulatory staff in the interpretation and application of laws, regulations, policies, and procedures having to do with private wells. Following this policy will help to ensure a uniform approach to a testing and oversight of private wells, especially in conjunction with BOH permitting activities.
- (3) This policy has three major parts: water testing as part of witnessing Title-5 Inspections; water testing as part of permitting for food establishments (seasonal, temporary, B&B, and residential kitchens), summer camps, and short-term rentals (Airbnb); and special considerations for operations that may be nearing the threshold or may anticipate crossing the threshold for qualifying as a Public Water Supply (PWS).

### **II. POLICY**

The following pertains to BOH permitted facilities or dwellings that are subject to BOH oversight due to local BOH regulations.

1. The Local BOH Septic Regs require that Title-5 Inspections be witnessed by the BOH or their Agent (the witness must be a DEP-Approved T-5 System Inspector) and that the private water supply be tested in accordance with the Local BOH Private Well Regs. The BOH witness will ensure that the well gets tested either before, during, or after the T-5 Inspection is conducted, and that the lab results are submitted to the BOH and provided to the buyer. Water testing results provided by the buyer are acceptable and satisfy the testing requirement. The Witness will help facilitate the collection of the water sample when requested and assist in making sure that the appropriate parameters are selected for analysis. When lab results are submitted to the BOH/Regional Health Director, the water quality will be reviewed and any issues addressed as required.
2. For permitted establishments that are below the threshold for a PWS (serving 25 persons per day for fewer than 60 days per year), proof of annual water testing is part of the permitting process. This is required under the Food Code when preparing and/or serving food to the public in order to comply with the provision that the Food and Water are from an "approved source" per FC 5-101.11. Temporary food, seasonal food, mobile food, residential kitchens, and traditional Bed & Breakfast operations will need to comply with this provision of the Food Code. Summer Camps

must comply with 105 430.300 (Potable Water Required). Short-term rentals must comply with 105 CMR 410.180 (Potable Water).

3. For permitted operations that are currently below the threshold to quality as a PWS, but are approaching or may anticipate exceeding the PWS threshold, the CPHS staff will assist the owner with the development of an enhanced water sampling plan to document the historic use and water quality of the facility so that the operation will be better positioned to petition for grandfathering of the existing well under the provisions of 310. CMR 22.0 (DEP PWS regs). This may include installation of a water meter to monitor usage, an increased frequency of sampling, and an expanded list of testing parameters, as appropriate with the ultimate intended use of the water supply.

### **III. DOCUMENTATION**

The recordkeeping for this policy should be associated with the permit for the establishment and sampling requirements should be reinforced during the permit renewal cycle. Water test reports are considered public information when associated with a permit. Water quality reports should be kept for at least 10-years or as required by specific statute or regulation.