

TOWN OF NANTUCKET BOARD OF HEALTH REGULATIONS
POTABLE WATER WELLS & CONNECTION TO TOWN WATER
LOCAL REGULATION 78.00

Purpose:

The intent of these regulations is to protect Nantucket residents from ingesting contaminants found in well water and to protect the island's sole source aquifer.

Authority:

These regulations are promulgated by the Board of Health of the Town of Nantucket pursuant to its authority under Chapter 111, Section 31 of the Massachusetts General laws.

78.01 Definition:

- A. The terms used in these regulations shall be as defined in Local Regulation 50.00

78.02 Connections to Town Water System Required at Well Water Exceedance

- A. Owners of all properties located on the Island of Nantucket requiring the use of water for human consumption shall connect their property by a connection in accordance with existing building and public works requirements to any public water supply line installed or approved by the Town of Nantucket Department of Public Works, and the Wannacomet Water Company under any street that abuts the subject property upon notification by the Health Department that the current potable water well has exceedances of the Massachusetts Drinking Water Regulations (310 CMR 22.00) that cannot be remedied by filtration or other means.

78.03 Potable Water Testing Requirements

- A. In island areas defined as nitrogen sensitive (Nantucket Harbor Watershed, Madaket Harbor Watershed, Hummock Pond Watershed, Miacomet Pond, Sesachacha pond, and Wellhead Protection areas), all potable water wells shall be tested for exceedances of the Massachusetts Maximum Contaminant Levels (MMCL) for primary drinking water contaminants on years that end with odd numbers (i.e. 2017, 2019, 2021, etc.)
- B. Areas outside of defined nitrogen sensitive areas shall have all potable water wells tested for exceedances of the MMCLs for primary drinking water contaminants on years that end with even numbers (i.e. 2018, 2020, 2022, etc.)
- C. All potable water testing must be performed by a MADEP certified laboratory in accordance with 310 CMR 42.00

- D. A Certificate of Analysis from a MADEP certified laboratory displaying the well's MMCLS shall be filed with the Health Department within 30 days of the laboratory analysis

78.04 Required Repair or Connection

- A. All potable water wells that have one or more exceedances shall, within 6 months of laboratory confirmation, make efforts to bring potable water back into compliance with the MMCL.
 - a. All repairs must be performed by a Massachusetts licensed professional well installer and/or plumber
 - b. After repair, potable water must be retested to ensure compliance with MMCL exceedances
- B. If compliance cannot be reached and a compliant public water supply is available, then all structures serviced by the well shall be connected to the public water supply.
 - a. Connections to the water public water supply shall be completed within two-years laboratory confirmation of exceedances.
 - b. Wells may be kept active for irrigation and other non-potable water activity
 - c. If the well is to be abandoned or permanently disconnected, the well shall be abandoned by a Massachusetts State Licensed well digger, in accordance with 313 CMR 3.00, and confirmed by an agent of the Board of Health.
 - d. In any area with active erosion, disconnected wells must be removed in its entirety, to prevent a future physical hazard caused by erosion.
- C. In environmentally sensitive areas as defined by the Nantucket Board of Health where new water lines are available for connection pursuant to 78.02, the Owner shall complete the required connection(s) or repair within six (6) months of written notice of exceedance, weather permitting, but in no case, more than one (1) year of said notice.

78.05 Permitting and Notification

- A. The Owner or the Owner's authorized representative, shall notify the Nantucket Health Department upon the completion of each connection to the public water supply.
- B. No well shall be installed or abandoned without first receiving a well installation or abandonment permit from the Health Department.

78.06 Variance

- A. The Nantucket Board of Health, at its discretion, may vary the strict application of any provision of these regulations, in accordance with Local Regulation 90.00.

78.07 Right of Entry

- A. The Nantucket Board of Health or its agent may enter upon privately owned property with reasonable notice and at reasonable hours, with consent of the property's occupant, for the purpose of ensuring compliance with these regulations.

78.08 Enforcement

- A. Without limiting any other available remedies or penalties, the Board of Health and/or its agents may enforce this Regulation as set forth in Local Regulation 67.00; provided that the penalty authorized by Local Regulation 67.05 shall be \$100.

78.09 Severability

- A. In the event that any provision of these regulations is declared invalid or unenforceable for any reason, all other provisions will be unaffected and shall remain in full force and effect.

Adopted: March 23, 2017

Effective: April 1, 2017

Malcolm W. MacNab, MD, Ph.D, Chair

Stephen J. Visco, Vice-Chair

J.W. Rick Atherton, Member

Helene M. Weld, Member

James Cooper, Member

