



Town of Carlisle  
Office of  
BOARD OF HEALTH  
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Brem-008-07-18-2014

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MEMORANDUM

BREM008 -  
07-18-2014

To: Zoning Board of Appeals  
From: Bill Risso  
Chairman, Board of Health  
Date: July 18, 2014  
Re: Brem Property 40B Application – Well classification

Each year the MassDEP Drinking Water Program provides an Annual Notice to Local Board of Health on issues of interest pertaining to public water systems. This year's Notice sent on June 16, 2014 included a section on "Condominium Developments and Public Water Systems" alerting Boards of Health that developments which propose two or more private wells to serve the on-site facilities may still be considered Public Water Systems (PWSs). The Board of Health must refer the applicant to MassDEP to obtain a written determination on whether the development should be classified as a PWS. Without this determination, the local Board of Health could exceed its permit granting authority over private wells.

The Brem Property application includes six wells to be permitted as private wells. It would be to the developer's benefit to obtain a PWS determination from the Department as early as possible and the Board of Health would want to participate in any discussions with the Department. A copy of the MassDEP notice is enclosed. The Board of Health will be discussing this matter at their next meeting on July 29<sup>th</sup>

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currently classified as a private water supply proposes or initiates any changes in the use of the establishment that would cause the system to be classified as a PWS, the facility must meet all applicable MassDEP standards, and obtain the proper MassDEP permits and approvals. Some examples of changes that may affect their drinking water status include:

- A change in number of permitted occupancy, e.g., increasing the number of children and staff at a daycare or business to 25 or more persons per day.
- A change in type of permitted occupancy, e.g., changing from a residential home to a daycare or doctor's office. Changing from a small office or gas station to a daycare, coffee shop, restaurant, or other facility that may serve beverages, handle food, require food permits, or supply water to 25 or more persons on average per day.

Proponents creating any new or potential PWS or changing their PWS type should be directed to contact MassDEP, as they would be subject to 310 CMR 22.00 and all applicable MassDEP standards, permits, and approvals. It should also be noted that if a proponent subsequently creates and/or operates a facility as a PWS prior to obtaining MassDEP approvals, the facility owner(s) and operator(s) would be subject to enforcement action (including monetary penalties). If you have any question on a property conversion, please contact the DWP regional staff listed under New System Registration in Attachment F on page 28.

### ★ Condominium Developments and Public Water Systems

Please be aware that some types of construction, such as residential or business condominium developments, which propose to use two or more wells to serve the on-site facilities so that each well serves less than 25 persons per day, may still be considered PWSs. With an increase in development throughout the state, these cases may come before the BOHs as private well proposals. In these cases, the applicant should be referred to MassDEP for a written determination of public or private water system status during the design phase, and/or prior to the issuance of local permits. This information should be communicated to your local planning office, planning board, building inspector's office, and to the applicant as it could substantially change the outcome of the project.

From 310 CMR 22.02 Definition of a PWS:

*MassDEP "...reserves the right to evaluate and determine whether two or more wells located on commonly owned property, that individually may serve less than 25 people, but collectively serve more than 25 people for more than 60 days of the year should not be regulated as a public water system, taking into account the risk to public health."*

For any questions or clarifications on PWS definitions and applicable permitting requirements, either generally or for a specific project, please contact your MassDEP regional office (see Attachment F on page 28) for technical assistance.

## Part III: Notifications

### Emergency Response Notification Requirements

The Massachusetts Drinking Water Regulations, 310 CMR 22.00, include specific notification requirements for reporting emergencies to MassDEP and the local board of health. The regulations identify specific incidents or emergencies that require notification within 2 hours and 24 hours. Section 310 CMR 22.15(9) requires each PWS to notify MassDEP **and the local BOH** after the occurrence of any of the following incidents or emergencies that result in the consumers of the system receiving water that does not meet required or routine quantity or quality conditions:

1. Emergencies or incidents requiring notification within **2 hours**:
  - a. Loss of water or drop in pressure to less than 20 psi, affecting 50% or more of consumers for a system serving less than 10,000 persons