

SELECT BOARD MEETING MINUTES: May 30, 2023 @ 6:00 P.M.

Peru Town Hall Meeting Room

Vern Leach, Chairman BOS/ACO
Bruce Cullett, Selectman/Police Chief
Doug Haskins, Selectman/Fin Com
Terry Walker, Town Administrator
Justin Russell, Highway Superintendent
Peggy White-Board of Health
Paul Hickling- Finance Committee
Logan Brooks – Fire Department Captain
Amy Davidson – Assessor

Public Attendees: Peter Yetman

Item 1: Call to order: 6:00 P.M.

Item 2: Roll Call: Chairman Leach present, Selectman Cullett present, Selectman Haskins present

Item 3: State Recording status: None.

Item 4: Pledge of Allegiance to the Flag: Led by Selectman Leach

Item 5: Review and Approve BOS Meeting Minutes for 05/22/2023:

Selectman Leach motion to approve 05/22/2023 minutes pending changes, Selectman Cullett second, 3-0,

Item 6: Updates of Departments:

- Justin Russell, Highway Superintendent mentioned that he is working on gravel roads and he plans to use dry calcium for dust control.
- The small tractor is back in service, the clutch has been replaced and Petell's is fixing the air conditioning the cost was around \$1,800.00 and is working great.
- The International Truck is back in service.
- Ash Lane is eroding because of water and Superintendent Russell will be using Scott McKnight's paver next week to fix the road.
- Superintendent Russell also mentioned that he has 9 vacation days left to be used before the end of June and asked permission to carry over 1 week into the next fiscal year. Selectman Leach motion to extend 1 week vacation for the month of July, Selectman Cullett second, 3-0

Paul Hickling, Finance Committee Chairman did not have updates but mentioned the Annual Town Meeting is Saturday.

Peggy White, Board of Health brought the final draft of Well Regulations before the board. The Board of Selectmen will be submitting it to Town Counsel for review and approval. Once approved a public hearing will be held. Ms. White also mentioned a mini grant from Berkshire Public Alliance was awarded to the Board of Health. The Board of Health was able to purchase mannequins for CPR training, first aid kits, tick removal devices and baby changing tables. The mini grant will also pay for the public hearing notice in the newspaper. TA Walker was instructed to submit the Well

Regulations draft to Town Counsel the beginning of July. Once Town Counsel approves and a public hearing is held, the Board of Health will bring back to the Board of Selectmen for further discussion.

Fire Department Captain Logan Brooks mentioned that Engine 3 passed inspection and is back in service. Captain Brooks also mentioned that he is a CPR, AED and a first aid instructor. After July 1st he would like to host CPR and First Responder classes. Selectman Leach mentioned that if he needs help the board will help him get set up. Captain Brooks will hopefully set up babysitting courses which require CPR certification. Captain Brooks also mentioned that the 1986 tanker is not inspected and needs tires. The Selectboard is concerned about the tanker not being inspected and spoke about it being taken out of service. Selectman Cullett will help Captain Brooks research and find the most cost-effective used military surplus tires. Selectman Leach felt that the tanker is now a liability to the town. Captain Brooks mentioned that this is brush fire season and felt the tanker should not be out of service. Selectman Cullett felt that this is a priority and until funds are available for tires on July 1st the tanker can be used for brush fires only in Peru. Captain Brooks was asked to get tire sizes to the Board of Selectmen.

Town Administrator Terry Walker mentioned the following:

- Susan Koziara will begin working as an Assessor in Peru on June 5, 2023.
- Sansoucy contract for (504 property) owned by NSTAR Electric has not signed for FY24 budget. TA Walker spoke with Matt Sansoucy today and the contract should have been signed in February 2023. Selectmen will discuss next week and sign the contract.
- TA Walker drafted a letter of support for Hinsdale' million-dollar mass works grant, the letter was approved by the Selectboard and TA Walker will email to the Town Administrator in Hinsdale.
- Eversource bills for \$510.88 and \$323.30 will need to be paid by June 30th. This will require year-end transfers by the Board of Selectmen.
- TA Walker also mentioned that KP Law was paid from the Legal Account when the invoices should have been paid from Treasurer Tax Title Expense Account. These invoices were paid when the auction was held for parcels in Tax Title back in November and December 2022. TA Walker mentioned that she will work with the accountant and a journal entry will correct this issue.
- TA Walker is also researching Town Clerk Early Voting funds of \$1,477.26 distributed by the Commonwealth. These funds are earmarked for the Town Clerk's early voting hours plus postage.
- Email from Peggy White and final draft for well regulations were discussed.
- Email from Taxpayer Jesse Pelkey was put on hold and this will be discussed when Jesse Pelkey is present.

Police Chief, Bruce Cullett, mentioned that all the electronics have been removed from the Expedition and all electronics will be installed in the new cruiser. The Expedition will be taken out of service and the Selectboard will need to make a decision whether it is feasible to use in town or if the Expedition will go to auction.

Assessor Amy Davidson, , mentioned that the Lead Assessor position on Annual Town Meeting Warrant should be Head Assessor. Selectman Leach will take her suggestion into consideration.

Item 7: Discussion and possible vote to appoint the following positions: Joann Gordon on Animal Advisory Commission, Verne Leach as Animal Control Officer/Animal Inspector, Shana Lecours as Assessor, Gladys Wheeler on Cemetery Commission, Darryl Darby as Cemetery Sexton, Kathy Borden on Cultural Council, Linda Nelson on Cultural Council, Katie Boucher on Cultural Council, Bruce Cullett as Emergency Management Director, Kevin Wall as Assistant Emergency Management Director, Ed Fahey as Health Agent/Inspector, Sara Adams on Historical Commission: Selectman Leach motion to appoint and recused himself because of a family member and recused from his position, Selectman Cullett recused from his position, Selectman Cullett motion to remove Shana Lecours from re-appointment

list, Selectman Haskins second, 2-0. All appointments were signed by the Board of Selectmen except the appointment for Shana Lecours as Assessor.

Item 8: Public Input: N/A

Item 9: Review and Approve Accounts Payable, Treasury Warrants and Payroll Warrant: V25-2023, 23-24P

Selectman Cullett mentioned that Transfer Station Stickers should be paid from DEP Grant not Compactor account.

Selectman Cullett mentioned that the accountant needs to correct with a Journal Entry.

Selectman Leach will train TA Walker to have access and post to the website as soon as things quiet down.

Item 10: Adjourn: Selectman Leach motion to adjourn the 05/30/2023 BOS Meeting, Selectman Cullett second, vote 3-0. The 05/30/2023 BOS Meeting adjourned at 7:28 P.M.

Articles used:

Minutes- ~~04/03/2023~~ 5-22-23

Warrants: V25-2023, 23-24P

Sancoucy contract for (504 property owned by NSTAR Electric

Support letter for Town of Hinsdale MassWorks grant application.

Eversource invoices

Town Clerk early voting funding

Peggy White, BOH, well regulations draft

Appointment papers

Respectfully Submitted,

Terry Walker

Town Administrator

Verne Leach, Chairman

Doug Haskins, Selectman

Bruce Cullett, Selectman

Date Approved: 6-5-23



AGREEMENT

SUBJECT: A Contract to provide valuation update and consulting services to the Town of Peru, Massachusetts to prepare a valuation update appraisal report of the personal property (504 property) owned by NSTAR Electric in the Town of Peru as of January 1, 2023 (FY2024).

As a result of the Supreme Court and Appellate Court decisions in Massachusetts, the valuation of the public utility property in the Town of Peru has become fair market value. The courts affirmed the ATB's modified cost approach as the method of value to be used for utility personal property. Real property continues to be valued at fair market value without modification. The Department of Revenue (DOR) has now required the modified methodology to be used no later than FY2022 as mandatory and has issued a new modified Form of List. Detailed information must be provided by the utility in order to prepare a final valuation that conforms with the ATB decision and the DOR's requirements.

The Town of Peru, MA, hereinafter called the Town, and George E. Sansoucy, P.E., LLC d/b/a Sansoucy Associates who employs Certified General Appraisers (16 states) and Professional Engineers (ME, NH, SC) having a principal place of business at 148 Main Street, Lancaster, New Hampshire 03584 in the County of Coos, State of New Hampshire, hereinafter called Sansoucy, hereby mutually agree as follows:

GENERAL PROVISIONS

1. IDENTIFICATION

1.1 Client: Town of Peru, Massachusetts
Board of Assessors
Town of Peru
3 East Main Road
Peru, MA 01235

1.1.1 Contracting Official: Peru Board of Assessors

1.1.2 Authorized Contact: Amy Davidson
Tel.: (413) 655-8312, Ext. 104
Email: assessors@townofperuma.com

1.2 Consultant: George E. Sansoucy, P.E., LLC

1.2.1 Name: George E. Sansoucy, P.E., LLC
Address: 148 Main Street, Lancaster, NH 03584
Tel: (603) 788-4000
E-mail: gsansoucy@sansoucy.com

Remittance Address: 86 Reed Road, Lancaster, NH 03584

2. GENERAL SERVICES TO BE PERFORMED BY SANSOUCY

2.1 Scope of Work:

This contract is to provide a valuation update of the distribution personal property (504 property) and real property where required that is known to support the 504 property, located in the Town of Peru, MA. The utility company to be valued is NSTAR Electric.

The scope of this contract for FY24 will be:

- Provide requests for production of documents for a 38D and 38F request;
- Assist in the review of the information from the company and the Form of List sent;
- Provide follow-up data requests, if required;
- Conduct a site tour or site reconnaissance as required for visible inventory and depreciation; and
- NSTAR Electric – Valuation of electric distribution personal property and add any real property additions which support the personal property, plus new growth.

2.1.1 Scope of the Work Products:

Sansoucy will prepare a MASS DOR-approved modified cost approach report for mass appraisal assessment purposes for the Town of Peru.

2.1.2 Services to be Provided by the Town of Peru:

The Town of Peru will provide access to Town records, Form of List, tax maps, and information provided by the company, and will request that the company provide information directly to Sansoucy.

2.1.3 Services to be Provided by Sansoucy:

Sansoucy will provide a mass appraisal valuation update report for personal property owned by NSTAR Electric using MASS DOR-approved modified cost approach methodology for utility valuations, plus new growth.

2.2 Completion of Work:

All values are to be provided to the Town 60 days after the receipt of the completed follow-up Form of List discovery request and other discovery information requested, whichever time period is longer, with a final report provided no later than October 1, 2022.

Sansoucy shall not be responsible for consequential or compensatory damages arising from the late performance or non-performance of the agreement caused by circumstances which are either outside Sansoucy's scope of services, beyond Sansoucy's control, or as a result of non-performance of any other party, person, or entity affecting this contract.

2.3 Personnel:

All necessary field assistants employed by Sansoucy shall be competent to perform the work they are called upon to do.

2.4 Public Relations:

The Town and Sansoucy, during the progress of the work, shall use their best efforts and that of their agents and employees to promote full cooperation and amiable relations with the utility company. All publicity and news releases, if any, will be sent out only by the Town, or its authorized representative(s), and not Sansoucy.

2.5 Confidentiality:

Sansoucy agrees to not disclose to anyone except to the Town or its authorized representative(s) any information discovered for any purpose, or to permit anyone to use or peruse any of the data on file in connection with the report, unless specifically authorized by the Town or under the Massachusetts freedom of information statutes.

2.6 Compensation and Terms:

The Town of Peru, in consideration of the services hereunder to be performed by Sansoucy, agrees to pay Sansoucy a fixed fee of \$3,500. Invoices are due and payable net 30 days.

Should a taxpayer appeal their value to the Appellate Tax Board in the Commonwealth of Massachusetts, litigation support, settlement work, court-ready appraisal, and testimony, as necessary, will be billed on a time and material basis based on the enclosed rate sheet.

3. INSURANCE

3.1 Sansoucy shall maintain general liability insurance, with an endorsement for hired and non-owned automobile liability.

3.1.1 The liability insurance will be in the form of commercial general liability with limits of \$2,000,000 per occurrence/person for bodily injury and \$4,000,000 general aggregate for the life of the policy.

3.1.2 The hired and non-owned automobile liability endorsement will have a limit of \$2,000,000 each accident.

3.2 Sansoucy will provide a certificate of insurance confirming the above insurance coverages. All insurance will be valid in the Commonwealth of Massachusetts.

4. ASSIGNMENT

This Contract and the duties of Sansoucy hereunder shall not be assigned.

5. AMENDMENTS

This Agreement shall not be amended, waived or discharged, unless by mutual written consent of both parties.

Date: June 5, 2023

In witness thereof, the Town of Peru has caused these presents to be signed by its Board of Assessors, thereunto lawfully authorized and caused its corporate (if appropriate) seal to be affixed and George E. Sansoucy, P.E., LLC d/b/a Sansoucy Associates has caused the same to be signed by his lawfully authorized representative on the date and year first above written.

In the presence of:

Town of Peru, MA

Jerry Walker
Witness Town Administrator

by:

[Signature]

[Signature]

[Signature]

Board of Assessors

S. L. O. T. M. E. N

Billing Address: (Please fill out)

Attn: Town of Peru
3 East Main Road
Peru, MA 01235

In the presence of:

George E. Sansoucy, P.E., LLC

Witness

by:

George E. Sansoucy, P.E.
Certified General Appraiser
MA License No.: 103328



SANSOUCY
ASSOCIATES

Complex Utility and Property Valuations, and Regulatory Consulting

2023

ENGINEERING AND APPRAISAL RATE SCHEDULE*

Principal engineers and senior appraisers, MBAs,
including court testimony and deposition attendance.....\$350.00/hour

Research engineers, associates, appraisers\$300.00/hour

Technical personnel\$225.00/hour

Clerical personnel\$150.00/hour

- * All rates are portal to portal from Lancaster, N.H. or Fountain Inn, S.C. Rates include general office expenses, such as: non-specific in-house copies, travel meals, non-specific mileage, office supplies, non-specific postage, telecommunications charges, and tolls.

Job-specific and identifiable expenses are billed at cost in addition to the rates shown, including but not limited to: transportation (air fare, car rental, taxi fare, specific parking, specific mileage, etc.), lodging, document printing and reproduction at \$0.10 for black and white and \$0.50 for color, research materials such as publications, subscriptions, and database purchases, etc.

Rev. 1/10/23-OS

Town of Peru

Peru, Massachusetts 01235

May 25, 2023

Robert Graves, Town Administrator
Town of Hinsdale
39 South Street
Hinsdale, MA 01235



Dear Bob:

On behalf of the residents in the Town of Peru and the Board of Selectmen, this letter is in support of Hinsdale's pursuit of two Mass Works grant awards that would allow Hinsdale to:

1. Reconstruct George Schnopp Road, Frank Schnopp Road, and the two-tenths of a mile section of Old Windsor Road (referenced here as the Schnopp Project) that run from Raymond Road in Peru into Dalton, just above the new Wahconah High School; and,
2. MA-143 runs from Maple Street/Peru Road in Hinsdale to the Peru town line. Hinsdale did an overlay on the Maple Street section (beginning at MA-8), ending where Maple Street becomes Peru Road. The remainder of RT-143 in Hinsdale (the Peru Road section) is in deplorable condition, and most Peru residents use this road daily, so it is vital to both towns.

It is common knowledge that Peru residents use both roads to and from work in the greater Pittsfield region and to and from the Central Berkshire Regional School District schools all our children attend in either Dalton or Hinsdale. As we have discussed, these roadways have been neglected for years. We are so grateful that the Town of Hinsdale is pursuing grants to restore them, as this will improve not just the Hinsdale resident's lives but the lives of all "Hilltown" neighbors as well.

Please share this letter with whoever needs to see that funding these projects will impact the region, which we hope helps Hinsdale's efforts to secure funding for these much-needed improvements to these critical roadways.

If anyone wishes to discuss this further, please contact me at townadmin@townofperuma.com.

Sincerely

Terry Walker

Terry Walker
Town Administrator
Peru, MA 01235

EVERSOURCE

Account Number: **5442 182 6066**

Statement Date: 05/15/23

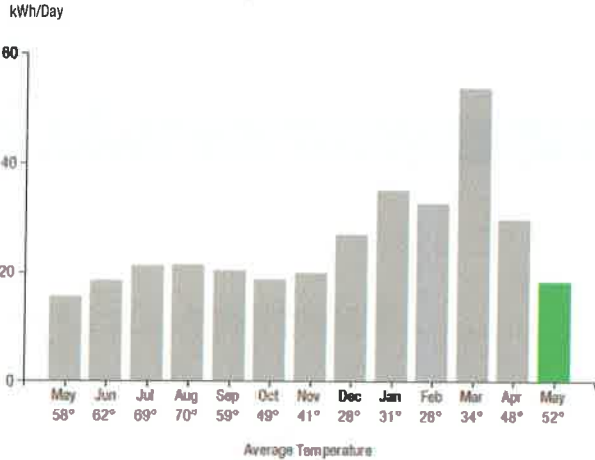
Service Provided To:
TOWN OF PERU

Total Amount Due
by 07/09/23

\$323.30

Amount Due On 05/09/23	\$302.73
Last Payment Received On 05/10/23	-\$302.73
Balance Forward	\$0.00
Total Current Charges	\$323.30

Electric Usage History - Kilowatt Hours (kWh)



Current Charges for Electricity

Supply

\$127.89

Cost of electricity from
Eversource

Delivery

\$195.41

Cost to deliver electricity
from Eversource



Your electric supplier is

Eversource
PO Box 270
Hartford, CT 06141-0270

Electric Usage Summary

This month your
average daily
electric use was
18.0 kWh

This month you used
12.5% more
than at the
same time last year

12.5%
USAGE ↑

News For You

As we near cooling season, you can take steps to reduce your energy use and bill. Take advantage of energy-saving improvements to help you stay comfortable efficiently with a Home Energy Assessment. Our experts will provide you customized recommendations and connect you with rebates for ways to save. For ways to lower your energy use visit [Eversource.com/home-savings](https://www.eversource.com/home-savings).

Remit Payment To: Eversource, PO Box 56005, Boston, MA 02205-6005

WM_230515PROD.TXT-22841-000004580

EVERSOURCE

Account Number: **5442 182 6066**

You may be subject to a 1.02% late payment charge if
the "Total Amount Due" is not received by 07/09/23

Total Amount Due
by 07/09/23

\$323.30

Amount Enclosed

011421 000004580



TOWN OF PERU
3 E MAIN RD STE 115
PERU MA 01235-2901



Eversource
PO Box 56005
Boston, MA 02205-6005

5442182606644 0000323301 0000323301



EVERSOURCE

Account Number: **5413 777 1002**

Statement Date: **05/15/23**

Service Provided To:
TOWN OF PERU

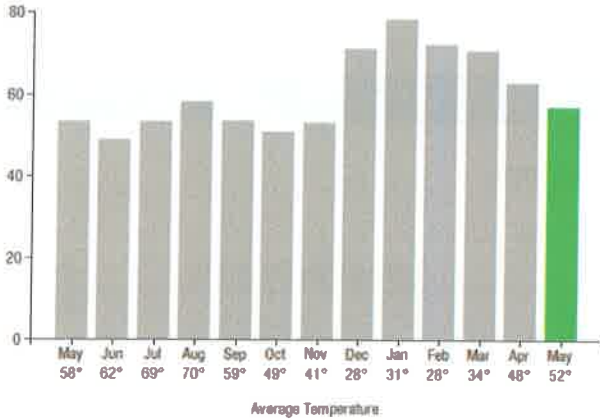
Total Amount Due
by 07/09/23

\$510.88

Amount Due On 05/09/23	\$614.82
Last Payment Received On 05/10/23	-\$614.82
Balance Forward	\$0.00
Total Current Charges	\$510.88

Electric Usage History - Kilowatt Hours (kWh)

kWh/Day



Current Charges for Electricity

Supply

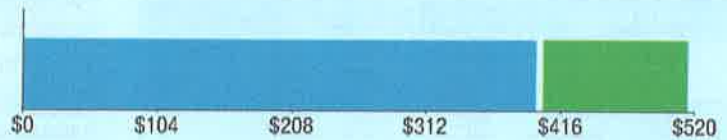
\$397.84

Cost of electricity from
Eversource

Delivery

\$113.04

Cost to deliver electricity
from Eversource



Your electric supplier is

Eversource
PO Box 270
Hartford, CT 06141-0270

Electric Usage Summary

This month your
average daily
electric use was
57.0 kWh

This month you used
7.5% more
than at the
same time last year

7.5 %
USAGE ↑

News For You

As we near cooling season, you can take steps to reduce your energy use and bill. Take advantage of energy-saving improvements to help you stay comfortable efficiently with a Home Energy Assessment. Our experts will provide you customized recommendations and connect you with rebates for ways to save. For ways to lower your energy use visit [Eversource.com/home-savings](https://www.eversource.com/home-savings).

Remit Payment To: Eversource, PO Box 56005, Boston, MA 02205-6005

WM_230515PROD.TXT-23245-000004479

EVERSOURCE

Account Number: **5413 777 1002**

You may be subject to a 1.02% late payment charge if
the "Total Amount Due" is not received by 07/09/23

Total Amount Due
by 07/09/23

\$510.88

Amount Enclosed

011623 000004479



TOWN OF PERU
3 E MAIN RD STE 115
PERU MA 01235-2901



Eversource
PO Box 56005
Boston, MA 02205-6005

5413777100237 0000510882 0000510882



The Commonwealth of Massachusetts

AUDITOR OF THE COMMONWEALTH

DIVISION OF LOCAL MANDATES

ONE WINTER STREET 9TH FLOOR
BOSTON MASSACHUSETTS 02103

TEL 617-727-0025
FAX 617-727-0984

DLM 2022 Early Voting Cost Certification Survey

Respondent: 30385

Certified Totals

Section A: Contact Information

Respondent ID: 30385

City/Town Peru

Name of Survey Respondent Kim Leach

Job Title Town Clerk

Email Address: townclerk@townofperuma.com

Telephone (ie. 5555555555) 413-655-8312

Date Certified 1/24/2023 12:00:00AM

Total In-Person Early Voting Personnel Expense:	\$917.00
Total Vote-by-Mail Personnel Expenses:	\$422.50
Total Election Capital Expenses:	\$0.00
Total Vote-by-Mail Ballot Postage Expenses:	\$137.76
Subtotal Expenses:	<u>\$1,477.26</u>
Total Misc. Reimbursements:	\$0.00
<u>Grand Total:</u>	<u><u>\$1,477.26</u></u>

Total Mailing/Postage Meter Supply Expenses: \$0.00

Total Optional Expenses: \$0.00

ASSESSORS OFFICE 5/30/23

Amy Davidson noticed on the Order of Business for June 3, 2023, that you have a new name for the Head Assessor. Where did you get "LEAD". In all my years in the Assessing Profession was there ever a "LEAD ASSESSOR".

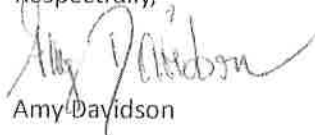
However, in my legal problems with one of your taxpayers, that person said I was the "LEAD ASSESSOR", not true, I was never the Assistant Assessor as I refused that "honor". Now, I had my suspicions and I now realize that the taxpayer (around February 2023) had to be in collusion with one of the Finance Committee and/or the Selectboard members, for the Town of Peru to suddenly have the job title of "Lead Assessor", whoever came up with this title is obviously this person.

The reason I was never the "LEAD" of anything is that I did not want the responsibility of that position, however I did all the painstaking work for \$289.25 per month since 10/1/2021.

Please reconsider and change "LEAD ASSESSOR" TO "HEAD ASSESSOR".

Thank you.

Respectfully,



Amy Davidson

Town Administrator

From: Peggy White <pwhiteperuboh@aol.com>
Sent: Sunday, May 28, 2023 5:46 PM
To: Select Men; Bruce Cullett; Douglas Haskins; Town Administrator
Subject: [External Sender]Well regulations
Attachments: DRAFT Peru Well Regulations 2023 REV FINAL PDF.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello I am attaching the final draft for well regulations. I will be attending the select board meeting this Tues to notify the select board of the final draft for Peru Well Regulations and to get approval for the next step, to have town counsel review the regulations. We have kept the wording and format very similar to the state guidelines and many other town's regulations with a few small changes ie to recommend and not require annual water testing for all properties. We have spent many months working on these regulations and personally I am proud of the work the board has done.

Respectfully,
Peggy White
Peru Board of Health

Warning Open Meeting Law users who are subject to the Open Meeting Law should be mindful of their obligations to not communicate with a quorum of their board on which they serve.

Peru Well Regulations 2023

DRAFT FINAL

Purpose.

It is the purpose of these regulations to protect the public health, safety and welfare by ensuring that wells in the Town of Peru are properly permitted and constructed, that all water supply wells meet appropriate chemical and bacteriological standards, and that groundwater resources are protected.

Authority.

These regulations are enacted by the Peru Board of Health, hereafter referred to as the Board, under the authority which includes, but is not limited, to one or more of the following: MGL, C. 111, §§ 31, 122, 122A, 127, 143, 155, 187, 188, Code of Mass. Regulations 310 CMR 11.02 and MGL

C. 40 § 54. These regulations supersede all previous Regulations for Wells adopted by the Board.

Definitions.

In these regulations, the following terms have the meanings indicated.

ABANDONED WELL: A well that meets any of the following criteria: construction was terminated prior to completion of the well, the well owner declares and notifies the Board that the use of the well has been permanently discontinued, the well has, after extended use, been out of service for at least three years, the well is in such a state of disrepair that its continued use is impractical or represents a physical threat, or the 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.

AGENT: Any person designated and authorized by the Board to implement, in whole or part, these regulations. To the extent provided by the Board, the Agent shall have all the authority of the Board and shall be directly responsible to the Board and under its direction and control.

APPLICANT - Any person who intends to have a well constructed.

AQUIFER - A water-bearing geologic formation, group of formations, or part of a formation that contains adequate saturated permeable material to yield significant quantities of water for wells and springs.

BENTONITE GROUT: A mixture of bentonite (API Standard 13A) and water in a ratio of not less than one pound of bentonite per gallon of water.

BOARD: The Peru Board of Health.

BOARD OF HEALTH: The Peru Board of Health.

BUSINESS OF DIGGING OR DRILLING A person who charges a fee for digging or drilling a well, or a person who advertises for hire to dig or drill wells within the Commonwealth of Massachusetts.

CASING: Impervious durable pipe placed in a boring to prevent the walls from caving and to serve as a vertical conduit for water in a well.

CERTIFICATE OF COMPLIANCE: A certificate issued by the Board which authorizes the use of a private well for permitted uses.

Peru Well Regulations 2023

CERTIFIED LABORATORY: Any laboratory which has been certified by the Department of Environmental Protection as provided in its most recent edition of Certification Status of Commercial Environmental Laboratories. Provisional certification is acceptable.

CERTIFIED WELL DRILLER: Any person certified with the Department of Environmental Protection Well Driller Program to dig or drill wells in the Commonwealth of Massachusetts.

CONCRETE: A mixture consisting of Portland cement (ASTM Standard C150, type I or API Standard 10, Class A), sand, gravel, and water in a proportion of not more than five parts of sand plus gravel to one part cement, by volume, and not more than six gallons of water. One part cement, two parts sand, and three parts gravel are commonly used with up to six gallons of water.

FORMS: Documents, procedures, or systems used by the Board to support the regulations. Compliance with these regulations will be administered by the forms prepared, approved or used by the Board of Health. The content of these forms may be revised by administrative action of the Board of Health.

IRRIGATION WELL: Well used for the sole purpose of watering or irrigation. The well shall not be connected at any time to a dwelling or a building unless they meet the requirements of a Private Drinking Water Well and have the Board's written approval.

GEOHERMAL WELL: Well intended for the purpose of heating or cooling. The requirements for siting, construction and water quality sampling, necessary to obtain Board of Health and MassDEP approval of Underground Injection Control (UIC) registration for these types of wells are specified in the MassDEP Guidelines for Ground Source Heat Pump wells.

MASSDEP: Massachusetts Department of Environmental Protection,

NEAT CEMENT GROUT: A mixture consisting of one bag (94 pounds) of Portland cement (ASTM Standard C 150, Type I or API Standard 10, Class A) to not more than six gallons of clean water. Bentonite (API Standard 13A), up to two percent by weight of cement, shall be added to reduce shrinkage. Other additives, as described in ASTM Standard C494, may be used to increase fluidity and/ or control setting time.

PERSON: An individual, corporation, company, association, trust, or partnership.

PUMPING TEST: A procedure used to determine the characteristics of a well and adjacent aquifer by installing and operating a pump.

SAND CEMENT GROUT: A mixture consisting of Portland cement (ASTM Standard C150, Type I or API Standard 10, Class A), sand, and water in the proportion of one part cement to three or four parts sand, by volume, and not more than six gallons of water per bag (94 pounds) of cement. Up to five percent, by weight of bentonite (API Standard 13A) shall be added to reduce shrinkage.

STATIC WATER LEVEL: The level of water in a well under non-pumping conditions.

STRUCTURE: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, fence, or the like.

TITLE 5: The State Environmental Code for On-site Sewage Treatment and Disposal Systems.

Peru Well Regulations 2023

WATER SUPPLY CERTIFICATE: A certificate issued by the Board that approves the use of a well as a drinking water supply.

WELL OR PRIVATE WELL: Any bored, drilled, driven or a dug hole for any purpose with a depth greater than its largest surface diameter. Wells may be developed to locate, use and/ or supply water for any purpose not subject to regulation by 310 CMR 22.00 for public water supplies. Wells drilled for potential public water supplies will be considered wells until such time as the application has been made to the Department of Environmental Protection under the provisions of 310 CMR 22.00.

WELL DRILLER: Any person, association, partnership, company, or corporation that constructs or works on wells.

Well Design and Construction Standards.

A. Location of Wells.

- (1) In establishing the location of a well, actual or possible sources of contamination which exist or are proposed to exist within 200 feet of the proposed well site shall be identified. Wells shall be located so as to avoid all potential sources of contamination and when possible be located upgradient and as far as practical from all potential sources of contamination on the property. The following minimum lateral distances apply for each listed source of contamination:

Source of Contamination	Minimum Lateral Distance (feet)
Subsurface sewage disposal field (leaching facility, in use, abandoned, or in reserve)	100
Cesspool, seepage pit	100
Septic tank	50
Sewer line	50
Property line	30
Public or Private Way	25
Driveway	20
Underground fuel storage tank	100
Underground Propane / Pesticide tank	250
Utility right-of-way	50
Stable, barnyard, manure pile, manure storage tank, feedlot	150
Surface water, including wetlands*	25

* (Conservation Commission notification may be required)

Peru Well Regulations 2023

- (2) Where deemed necessary or appropriate by the Board, the above distances may be increased, decreased or other reasonable means of protection may be required or both. The Board may impose other minimum lateral distance requirements from other potential sources of contamination not listed above. The Board shall add any such special requirement as a condition of the well construction permit.
- (3) No one may locate, drill or dig a well or cause the same to be done so as to limit the use of any neighboring property.
- (4) The construction of a new private well for drinking water purposes is prohibited where access to the municipal water supply or public water main is within 200 feet of the applicant's nearest property line or 500 feet of the structure to be served.
- (5) In the event that inadequate yield or other site conditions requires a change of the well site, relocation on the Engineer's or Sanitarian's plot plan shall be indicated and subject to approval by the Board.
- (6) Each well shall be located so that it is accessible for repair, maintenance, testing, and inspection, including minimum setbacks of 10 feet from structures and overhangs. The well shall be completed in a water bearing formation that will produce the required volume of water under normal operating conditions.
- (7) Water supply lines shall be installed at least ten (10) feet from and eighteen (18) inches above any sewer line. Whenever water supply lines must cross sewer lines, both lines shall be constructed of Class 150 pressure pipe and shall be pressure tested to assure water tightness.
- (8) No private well, or its associated distribution system, shall be connected to either the distribution system of a public water supply system or any type of waste distribution system.

B. Well Construction Standards.

- (1) A well shall be constructed by a certified well driller unless a variance is issued by the Board.
- (2) A well shall be constructed in compliance with the sections of the MassDEP Private Well Guidelines, as amended that apply to well construction and well decommissioning
- (3) A well driller shall certify in writing that the well driller has complied with the MassDEP Private Well Guidelines, as amended and as specified in these regulations to receive a Certificate of Compliance or Water Quality Certificate.
- (4) Any work involving the connection of the private well to the distribution system of the residence must conform to the local plumbing code. All electrical connections between the well and the pump controls and all piping between the well and the storage and/ or pressure tank in the house must be made by a pump installer or certified well driller, including the installation of the pump and appurtenance(s) in the well or house.
- (5) A physical connection is not permitted between a water supply, which satisfies the requirements of these regulations, and another water supply that does not meet the requirements of these regulations without prior approval of the Board.
- (6) All wells shall be designed and constructed such that:

Peru Well Regulations 2023

- a) the materials used for the permanent construction are durable in the specific hydrogeologic environment that occurs at the well site
 - b) no unsealed opening is to be left around the well that could conduct surface water or contaminated groundwater vertically to the intake portion of the well or transfer water from one formation to another.
 - c) permanent construction materials shall not leach or contribute toxic substances, taste, odors, or bacterial contamination to the water in the well.
- (7) The driller shall operate all equipment according to generally accepted standards in the industry and shall take appropriate precautions to prevent damage, injury or other loss to persons and property at the drilling site.
- (8) Well construction design shall ensure that surface water does not enter the well through the opening or by seepage through the ground surface. Construction site waste and materials shall be disposed of in such a way as to avoid contamination of the well, any surface water or the aquifer. During any time that the well is unattended, the contractor shall secure the well in a way as to prevent either tampering with the well and/ or the introduction of foreign material into the well.
- (9) All water used for drilling, well development, or to mix a drilling fluid shall be obtained from a source which will not result in contamination of the well or the water bearing zones penetrated by the well. Water from wetlands, swamps, ponds and other similar surface features shall not be used.
- (10) Water shall be conveyed in clear sanitary containers or water lines and shall be chlorinated to an initial concentration between 50 mg/l and 100 mg/l. All drilling equipment including pumps and down hole tools, shall be cleaned and disinfected prior to drilling each new well or test hole.
- (11) All drilling fluids shall be nontoxic. Drilling fluid additives shall be stored in clean containers and shall be free of material that may adversely affect the well, the aquifer, or the quality of the water to be pumped from the well. Surfactants shall be biodegradable. The use of biodegradable organic polymers shall, when possible, be avoided.
- (12) All wells, including those that have been hydrofractured, shall be developed in order to remove fine materials introduced into the pore spaces or fractures during construction. One or more of the following methods shall be used for development: overpumping, backwashing, surging, jetting, air-lift pumping.
- (13) The completed well shall be sufficiently straight so that there will be no interference with installation, alignment, operation or future removal of the permanent well pump.

C. Well Casing

- (1) Private water supply wells shall be constructed using either steel or thermoplastic well casing. The casing shall be of adequate strength and durability to withstand anticipated formation and hydrostatic pressures, the forces imposed on it during installation, and the corrosive effects of the local hydrogeologic environment.

Peru Well Regulations 2023

- (2) All casing used in the construction of wells shall be free of pits, breaks, gouges, deep scratches and other defects. If previously used casing is installed, it shall be decontaminated and disinfected prior to installation.
- (3) Installation of water well casing shall be done in a manner that does not alter the shape, size, or strength of the casing and does not damage any of the joints or couplings connecting sections of the casing. A standard drive shoe shall be used when casing is installed. The drive shoe shall be either welded or threaded to the lower end of the string of casing and shall have a beveled metal cutting edge forged, cast, or fabricated for this specific purpose.
- (4) Upon completion of the installation procedure, the entire length of the casing above the intake shall be watertight.
- (5) Well casing shall not be cut off below the land surface even when a pitless adapter or a pitless unit is installed, except during decommissioning of an abandoned well. Well casing terminating above-grade shall extend at least twelve (12) inches above the predetermined ground surface at the wellhead except when the well is located in a floodplain. When a well is located in a floodplain, the well casing shall extend at least two (2) feet above the level of the highest recorded flood. The top of the well casing shall be reasonably smooth and level.

D. Well screen

- (1) A well screen is required for all drilled wells that are completed in unconsolidated formations. All well screens shall be of Grade 304 stainless steel. Wells completed in bedrock do not require a screen unless the bedrock formation is brittle in nature or has a potential for collapse.
- (2) The well screen aperture openings, screen length, and diameter shall be selected so as not to limit the aquifer's water yielding characteristics while preventing access of soil particles that would detract from well efficiency and yield.

E. Grouting and Sealing

- (1) All wells shall be equipped with a sanitary seal or watertight cap designed to prevent surface water and foreign matter from entering the well. All wells completed with the casing extending above grade shall have a surface seal designed to eliminate the possibility of surface water flowing down the annular space between the well casing and the surrounding backfilled materials. The surface seal shall extend to a depth below the local frost line..
- (2) All wells except flowing artesian and dug wells shall be vented. The opening of the vent pipe shall be covered with a 24 mesh corrosion resistant screen and shall be large enough to prevent water from being drawn into the well through electrical conduits or leaks in the seal around the pump when the pump is turned on. The vent pipe shall terminate in a downward position at or above the top of the casing.
- (3) All connections to a well casing made below ground shall be protected by either a pitless adapter or a pitless unit that complies with the most recent revision of National Sanitation Foundation Standard Number 56, entitled "Pitless Well Adapters."

Peru Well Regulations 2023

- (4) Above-grade connections into the top or side of a well casing shall be at least twelve (12) inches above the established ground surface or two (2) feet above the level of the highest known flood, whichever is higher. Above-grade connections shall be sealed so that they are watertight.
- (5) The ground immediately surrounding the well casing shall be sloped downward and away from the well in all directions to eliminate the possibility of surface water ponding.
- (6)) Wells drilled in bedrock shall be grouted from the ground surface or to the bottom of the pitless adaptor (if present) to fifteen (15) feet into competent bedrock. Neat cement grout, sand cement grout, or Bentonite grout shall be used. It shall have a permeability of at least 1×10^{-7} and be emplaced using standard grouting techniques as described in the MassDEP Private Well Guidelines, as amended.

F. Disinfection

- (1) Upon completion of well construction, the well driller shall disinfect the well. If a pump is to be installed immediately upon completion of the well, the pump installer shall disinfect the well and the pumping equipment after the pump has been installed. During the disinfection Process any and all runoff should be directed to the containment pit.
- (2) If the pump is not installed upon completion of the well, the pump installer shall, upon installation, disinfect the well and the pumping equipment. The pump installer shall also disinfect the entire water supply system immediately after any maintenance or repair work is done on the pump.
- (3) When a well is disinfected, the initial chlorine concentration shall be 100 mg/L throughout the entire water column.
- (4) For newly constructed or altered wells in which the pump is not immediately installed, the chlorine concentration used to disinfect the well shall be 100 mg/L. Upon installation of the pump, the well, the pumping equipment, and the distribution system, if connected, shall be disinfected with a chlorine concentration of 100 mg/L.
- (5) The disinfectant solution shall remain undisturbed in the well for a minimum of two (2) hours. After all the chlorine has been flushed from the water supply system, a water sample shall be collected and submitted to a Massachusetts certified laboratory. For new wells, the sample shall be tested pursuant to Section VI of these regulations.
- (6) Only well drillers approved by the Board are authorized to physically install, alter, or repair a well. For wells, that have undergone repair, a sample shall be tested for total coliform bacteria and any other parameters deemed appropriate by the Board, prior to being put back in use.

G. Well Decommissioning Standards

- (1) A permit from the Board is required to decommission a well.
- (2) All wells, test holes and borings that are abandoned shall be decommissioned to protect the groundwater supply and to eliminate potential physical hazards, including the annular space outside the casing, from being a channel allowing the vertical movement of water in accordance to MassDEP Private Well Guidelines, as amended and these regulations.

Peru Well Regulations 2023

- (3) A well shall be abandoned and properly plugged (decommissioned) if the well meets any of the following criteria;
- a) construction was terminated prior to completion of the well
 - b) the well owner has notified the local Board of Health that the use of the well has been permanently discontinued
 - c) the well has been out of service for at least three years
 - d) the well is a potential hazard to public health or safety and the situation cannot be corrected
 - e) the well is in such a state of disrepair that its continued use is impractical or represents a physical threat or is unsafe
 - f) the 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
- (4) The property owner shall ensure that that all abandoned wells and test holes or borings associated with the well installation are properly plugged before work at the site is completed. Only certified well drillers may plug abandoned wells, test holes, and borings.
- (5) Only a certified well driller will plug abandoned wells, test holes, and dry or inadequate borings. In addition, when an old well is replaced by a new well, the well driller will plug the old well once a Certificate of Compliance has been issued for the new well. In the case of new well construction, any test holes and dry or inadequate borings will be plugged before the well driller completes work at the site.
- (6) Within 30 days following the completion of the plugging procedure, the certified well driller who plugged the abandoned well, test hole, or dry or inadequate boring must submit a Well Completion Report to the Division of Water Supply Protection and will submit a Decommissioning Report to the Board of Health and the owner of the property where the well, test hole, or boring is located. The following information will be included in the Decommissioning Report:
- a) name and address of the property owner
 - b) name, address, and registration number of the certified well driller who performed the plugging
 - c) reason for abandonment
 - d) location of the well, test hole, or boring referenced to at least two permanent structures or, when possible, location coordinates determined by a registered land surveyor or registered civil engineer
 - e) all information known about the well, test hole, or boring including but not limited to:
 - [1] depth
 - [2] diameter
 - [3] type of casing

Peru Well Regulations 2023

- f) calculations made to determine the volume of the well, test hole, or boring
 - g) static water level before plugging
 - h) types of plugging material used, including mix specifications
 - i) quantity of each type of plugging material used
 - j) description of the plugging procedure including, but not limited to, notes regarding:
 - [1] removal of pump and other obstructions
 - [2] removal of screen
 - [3] perforation or removal of casing
 - [4] method used to place plugging material (s)
 - k) a copy of the original well driller's report
- (7) Abandoned overburden wells or borings shall be completely filled with a low permeability grout, which cures with a final permeability of less than 1×10^{-7} cm/ sec.
- (8) Wells shall be plugged with neat cement grout, sand cement grout, concrete, or bentonite grout.
- (9) Regardless of the type used, the grout used for plugging shall:
- a) be sufficiently fluid so that it can be applied through a tremie pipe from the bottom of the well upward
 - b) remain as a homogeneous fluid when applied to the subsurface rather than disaggregating by gravity into a two phase substance
 - c) be resistant to chemical or physical deterioration
 - d) not leach chemicals, either organic or inorganic, that will affect the quality of the groundwater where it is applied
- (10) The plugging materials shall be introduced at the bottom of the well or boring and placed progressively upward to a level approximately four (4) feet below the ground surface. Sealing materials shall not be poured from the land surface into the well, borehole, or annular space being sealed.
- (11) The well driller shall install a surface seal after the well or boring has been plugged. Before the surface seal is placed, casing remaining in the hole shall be cut off. The remaining four (4) feet at the top of the well or boring shall then be filled with concrete.
- (12) The top of the seal shall comprise a concrete slab above the top of the plugged well or boring. This concrete slab shall be at least six (6) inches thick and shall be at least two (2) feet greater in diameter than the well casing or borehole wall.
- (13) A well driller shall certify in writing that the well driller has complied with MassDEP Private Well Guidelines, as amended, when decommissioning the well.

Peru Well Regulations 2023

H. Water Quality Standards.

- (1) No private well shall be used as a water supply, and no building permit for a dwelling unit shall be issued for new construction on a property where the well is located, unless and until the water derived from the well has been shown to have adequate quantity and quality. The water shall be tested and approved for water quality before a use and a Certificate of Occupancy is issued.
 - (2) Water quality testing of the private drinking water well, utilizing the applicable US EPA approved method for public drinking water testing, shall be conducted by a Massachusetts or EPA certified laboratory and shall include analyses for the following parameters:
 - Arsenic
 - Chloride
 - Copper
 - Fluoride
 - Hardness
 - Iron
 - Lead
 - Manganese
 - pH
 - Sodium
 - Total Coliform bacteria
 - E. coli bacteria
 - Nitrate/Nitrite
- a) **Other:** In addition, the following water quality tests should be conducted for the informational benefit of the owner.

Analysis

Total Dissolved Solids

Radon

Peru Well Regulations 2023

- b) Values over the levels advised or required above may require treatment at the discretion of the Board.
- (3) Additional or repeated tests may be required when it is necessary for the protection of the public health, safety and welfare.
- (4) A water sample shall be collected either after purging three (3) well volumes or following the stabilization of the pH, temperature and specific conductance in the pumped well. The water sample to be tested shall be collected at the pump discharge or from a disinfected tap in the pump discharge line. In no event shall a water treatment device be installed prior to sampling.
- (5) In wells drilled into bedrock the Board of Health requires that in addition to the parameters listed above, a Gross Alpha Screen and Radon test be performed. If the Gross Alpha screen detects radiation of 15 pci/l or more, then the water must be analyzed for Radium and Uranium concentrations.
- (6) It is recommended that the owner of every well used for drinking water including those serving a property which is rented or leased shall have its water tested at a Massachusetts certified laboratory for the following chemical and bacteriological parameters at a minimum of once a year: total coliform bacteria, e. coli bacteria, nitrate, nitrite, pH, conductivity, sodium, and iron. All other required chemical parameters should be tested at a minimum of every ten (10) years. The Board of Health may require more frequent testing, or testing for additional parameters, where other water quality problems are known or suspected to exist.
- (7) Prior to selling, conveying, or transferring title to real property, it is recommended the owner have tested the water of every private drinking water well serving that property. A water sample from each well should be submitted to a Massachusetts certified laboratory for testing for the parameters listed in the Water Quality section of this document. This water quality testing should have been performed not more than one (1) year prior to transfer of the property.
- (8) In addition, the owner shall give copies of all available water quality test results of which he/ she has knowledge (regardless of age of results) for the private well in question to any buyer and/ or broker involved in the transfer. In the event that there is no buyer at the time the water is tested, a copy of all water test results must be given by the owner to the buyer before the property is put under agreement.
- (9) For irrigation wells, the Board recommends annual testing for E. coli bacteria and Nitrate/Nitrite, as accidental consumption could result in acute exposure.
- (10) The Board reserves the right to require retesting of the above parameters, or testing for additional parameters when, in the opinion of the Board, it is necessary due to local conditions or for the protection of public health, safety, welfare and the environment. All costs and laboratory arrangements for the water testing are the responsibility of the applicant.
- (11) Following a receipt of the water quality test results, the well owner shall submit a Water Quality Report to the Board, which includes:

Peru Well Regulations 2023

- a. a copy of the certified laboratory's test results
 - b. the name and contact information of the individual who performed the sampling
 - c. where in the system the water sample was obtained
- (12) This regulation requires that private drinking water wells meet all current Massachusetts' Primary and Secondary Drinking Water Standards and Guidelines adopted by the MassDEP Office of Research and Standards (ORS). In any case where a private drinking water well does not meet such Standards or Guidelines, as it deems necessary for the protection of public health, safety or welfare, that the Board may take action, but not limited to, requiring the property owner to provide an alternative source of drinking water.

I. Water Quantity Standards.

- (1) Yield test pumping shall be conducted at a rate at least equal to the pumping rate expected during normal well use, and shall be conducted for a minimum of four hours.
- (2) A well-intended for drinking water supply is required to provide, either through yield or with the addition of adequate storage facilities, an adequate number of gallons per day.
- (3) The applicant shall submit to the Board for review and approval a Pumping Test Report. The Pumping Test Report shall include at a minimum: the name and address of the well owner, well location referenced to at least two permanent structures or landmarks, date the pumping test was performed, depth at which the pump was set for the test, location for the discharge line, static water level immediately before pumping commenced, discharge rate and, if applicable, the time the discharge rate changed, pumping water levels and respective times after pumping commenced, maximum drawdown during the test, duration of the test, including both the pumping time and the recovery time during which measurements were taken, recovery water levels and respective times after cessation of pumping, and reference point used for all measurements. In order to demonstrate that the well capacity can provide the required volume of water, a pumping test shall be conducted in the following manner:
 - a) The volume of water necessary to support the household's daily need shall be determined using the following equation: $(\text{number of bedrooms plus one bedroom}) \times (110 \text{ gallons per bedroom}) \times (\text{safety factor of } 2) = \text{number of gallons needed daily}.$
 - b) The storage capacity of the well shall be determined using the measured static water level and the depth and radius of the drill hole or casing.
 - c) The required volume shall be calculated by adding the volumes of water in (1) and (2) above. It is this volume of water that must be pumped from the well within a twenty-four (24) hour period.
 - d) The pumping test may be performed at whatever rate is desired. Following the pumping test, the water level in the well must be shown to recover to within eighty-five (85) percent of the pre-pumped static water level within a twenty-four (24) hour period.

Peru Well Regulations 2023

Example 1: a one bedroom house with a well six (6) inches in diameter containing 200 ft. of standing water:

- 1) 1 bedroom + 1 bedroom = (2 bedrooms) x (110 gallons per bedroom) x (safety factor of 2) = 440 gallons needed daily.
- 2) the volume of a 6-inch well is 1.5 gallons for every foot of water column length. Therefore, (200ft. of standing water) X (1.5 gal/ft.) = 300 gallons.
- 3) 440 gallons + 300 gallons = 740 gallons that must be pumped from the well in 24 hours or less to demonstrate suitable capacity. Recovery to at least 85% of the static water level must also occur within 24 hours after cessation of pumping.

Example 2: For a 4 bedroom house with a well that is six (6) inches in diameter containing 100 ft. of standing water:

- 1) 4 bedroom house + 1 bedroom = (5 bedrooms) x (110 gallons per bedroom) x (safety factor of 2) = 1,100 gallons needed daily.
- 2) the volume of a 6-inch well is 1.5 gallons for every foot of water volume length. Therefore, (100 ft. of standing water) x (1.5 gal/ft.) = 150 gallons.
- 3) 1,100 gallons + 150 gallons = 1250 gallons that must be pumped from the well in 24 hours or less to demonstrate suitable capacity. Recovery to at least 85% of the static water level must also occur within 24 hours after cessation of pumping.

Permitting.

A. Well Construction Permit

(1) Well construction permit application.

- a) Well construction may proceed only upon approval of a permit application in the form of a well construction permit issued by the Board.
- b) A permit for well construction expires at the end of 12 months from the date of issuance. A permit may be extended for an additional 6 months if a written request is received by the Board prior to the expiration date and there are no proposed changes, including the name of the Well Driller. An additional fee may be charged for the extension.
- c) After a permit has expired, a new application and a new fee shall be submitted to the Board. Fee shall be established from time to time by the Board of Health.
- d) Neither a permit nor an application is transferable.
- e) The permit application fee shall be set by the Board. There may be additional fees for inspections and Certificates of Compliance.
- f) An application for a well construction permit shall be submitted by the property owner or his/her designated agent to the Board on the form provided by the Board.
- g) Except when a plan for new construction, including the following data for the well, has been submitted so as to comply with Title 5 requirements, the application shall include or be accompanied by:

[1] The property owner's name and address

Peru Well Regulations 2023

- [2] The assessor's map and lot number, the location of the proposed well, and a general written summary of any possible sources of contamination within 200 feet of the well site
- [3] An extended plot plan, produced by a civil or sanitary engineer or a registered sanitarian, which will show lateral distances less than 200 feet from the proposed well site to the following:
 - [a] Existing and proposed structures.
 - [b] Subsurface waters, subsurface drainage courses and wetlands. Conservation Commission notification may be required.
 - [c] Subsurface sewage disposal fields, trenches, or pits and adjoining septic tanks or cesspools.
 - [d] Subsurface fuel storage tanks.
 - [e] Other potential past and present sources of pollution
 - [f] Wetlands or any surface waters
 - [g] Property lines
 - [h] Public and private ways
 - [i] Utility rights-of-way
- [4] The well driller's name and a valid Massachusetts certificate of registration, unless the certificate is on file with the Board.

(2) Certificate of Compliance and Water Supply Certificate

a) No well will be put into operation or use until a Certificate of Compliance or Water Supply Certificate has been issued. The following shall be submitted to the Board to obtain a Certificate of Compliance or Water Supply Certificate:

- [1] Within 30 days after completion of the well, the well driller shall file with the Board a copy of the Water Well Completion Report as required by the MassDEP Well Driller Program regulations (310 CMR 46)
 - [2] Following well development and disinfection, the applicant or his/her designated agent shall collect water samples for bacteriological analysis. The applicant or his/her designated agent shall cause chemical analysis to be conducted and the report submitted to the Board for approval.
 - [3] Certificate of Construction Compliance stating that the well driller has complied with MassDEP Private Well Guidelines, as amended, sections pertaining to well construction that are part of these regulations
 - [4] A Pumping Test Report or water quantity certification statement that the minimum supply required pursuant to MassDEP Private Well Guidelines, as amended, and these regulations has been met
- b) Upon receipt of all of the above documents the Board shall determine whether the water supply meets all the water quantity and quality requirements for private water supplies in Peru.
- [1] Upon an affirmative determination, the Board shall issue a Certificate of

Peru Well Regulations 2023

[2] Upon a negative determination, or if the Board deems it necessary to protect the public health, safety and welfare, the Board shall issue a water supply disapproval letter which requires additional water quality analysis, or quantity testing, or both.

[3] The Board may, at its discretion, issue a conditional Certificate of Compliance or Water Supply Certificate. A conditional certificate shall set forth the conditions which the Board deems necessary to ensure fitness, purity, and quantity of the water derived from the well. This may include but need not be limited to requiring treatment of the water or regular testing.

Administration and Enforcement.

A. General Enforcement. Environmental Code (310 CMR 11.00) Massachusetts General Laws Chapter 111 section 122, 127 A&B, Sanitary Code 105 CMR 410.00, governs the enforcement of these regulations.

B. Violations. The Board has authority to investigate suspected or known violations of these regulations and/ or violations of any Certificate of Compliance or Water Supply Certificate conditions. The Board may take actions, as it deems appropriate, within its authority for the protection of public health, safety welfare, or the environment, and to enforce any of the provisions of this regulation.

C. Enforcement. If any investigation reveals a violation of these regulations or the Certificate of Compliance or Water Supply Certificate Conditions, the Board may order the well owner to comply with the violated provision(s), and/ or take other action within its authority as the Board deems appropriate.

D. Separate Violations. Each day's failure to comply with any provisions of these regulations is a separate violation. Each numbered or lettered section or subsection of these regulations violated is a separate violation, with fines of up to \$1,000 per day.

E. Orders. Any Order the Board issues shall be in writing and served in the following manner:

- (1) personally, by any person authorized to serve civil process,
- (2) by any person authorized to serve civic process by leaving a copy of the Order at the property owner's address
- (3) by sending the property owner a copy of the Order by registered or certified mail, return receipt requested, or
- (4) by posting a copy of the Order in a conspicuous place on or about the premises and by advertising it for at least three (3) out of five (5) consecutive days in one or more newspapers of general circulation within the municipality where the well is located, if the property owner's last and usual place of residence is unknown or outside the Commonwealth.

F. Variance.

- (1) By vote of a majority of its full authorized membership, the Board of Health may vary the application of any provision of these regulations with respect to any particular case when, in the Board of Health's opinion, both of the following conditions are fulfilled:

- a) The enforcement thereof would do manifest injustice.

Peru Well Regulations 2023

- b) The applicant has proved that the equivalent degree of environmental protection, and protection of the public health, safety and welfare can be achieved without strict application of the particular provision(s) sought to be varied. The alternative means of protection shall be detailed and documented by the applicant to the satisfaction of the Board of Health.
- (2) Every request for a variance shall be in writing shall state the specific provision of this regulation from which variance is sought, the reasons for seeking the variance and proof of the notice required below. The request shall also contain the information to establish manifest injustice and equivalent degree of protection.
- (3) Any variance granted by the Board of Health shall be in writing. Any denial of the variance shall also be in writing and shall contain a brief statement of the reason for denial. A copy of each variance shall be conspicuously posted for 30 days following its issuance and shall be available to the public at all reasonable hours.
- (4) The Board may issue a variance subject to any qualification, revocation, suspension, condition, or expiration provided in these regulations or that the Board of Health expresses in its grant of the variance. Any such conditions shall be stated in writing in the Board's grant of the variance. A variance may otherwise be revoked, modified, or suspended, in whole or in part, only after the holder has been notified in writing and has been given an opportunity to be heard, in conformity with the requirements of Title 1 of the State Environmental Code (310 CMR 11.00) for orders and hearings.

G. Appeals

- (1) Any person to whom the Board issues an Order may request a hearing before the Board by filing with the Board within seven (7) days after the day the Order was served, a written request for a hearing. Upon receipt of a hearing request, the Board shall set a time and place for the hearing and shall inform the well owner in writing.
- (2) The hearing shall commence within thirty (30) days from the day on which the written request was made, unless a later time is agreed to in writing by the Board and the person requesting the hearing.
- (3) At the hearing the person requesting the hearing shall be given an opportunity to be heard, to present witnesses or documentary evidence and show why the Order should be modified or withdrawn.
- (4) After the close of the hearing, the Board shall issue a written decision to sustain, modify, or withdraw the Order and shall mail a copy of the decision, by certified mail, return receipt requested, to the person who requested the hearing. If the Board sustains or modifies the Order, it shall be carried out within the time period allotted in the original order or in the modification.
- (5) Failure to hold a hearing within the time period specified herein shall not affect the validity of any Order.

Peru Well Regulations 2023

- (6) Any person aggrieved by the decision of the Board of Health may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.
- (7) Every notice, Order, or other record prepared by the Board in connection with the hearing shall be entered as a matter of public record in the office of the clerk of the town, or in the office of the Board.
- (8) If a request for a hearing is not filed with the Board within seven (7) days after the day an Order has been served or if after a hearing, the Order has been sustained in whole or any part, each day's failure to comply with the order as issued or sustained shall constitute a separate violation.

H. Penalties

- (1) Whoever personally, by their servant or agent, or as the servant or agent of any person, firm, or corporation, violates any of the provisions of these regulations is subject to a fine or additional fees.
- (2) Any person who violates any provision of these regulations, or who fails to comply with any final Order of the Board, for which a penalty is not otherwise provided in any of the Massachusetts General Laws, shall upon conviction be fined not less than ten (10) nor more than one thousand (\$1,000) dollars per violation.
- (3) Each day's failure to comply with a final Order or any provision of this regulation shall constitute a separate violation.

I. Amendments.

- A. These regulations or any portion of them may be amended, supplemented, or repealed from time to time by the Board of Health, with notice as provided by law, on the Board of Health's own motion or by petition.

J. Severability.

- A. If any provision of these regulations or the application thereof is held to be invalid by a court of competent jurisdiction, the invalidity shall be limited to said provision(s) and the remainder of these regulations shall remain in full force and effect.
- B. Any part of these regulations subsequently invalidated by a new state law or modification of an existing state law shall automatically be brought into conformity with the new or amended law and shall be deemed to be effective immediately, without recourse to a public hearing and the customary procedures for amendment or repeal of such regulation.

K. Effective date.

The effective date of these regulations is July 1, 2023. These regulations were adopted by vote of the Peru Massachusetts Board of Health, at their regularly scheduled meeting held on TBD and are to be in full force and effect on and after July 1, 2023. Before said date, these regulations shall be published and a copy placed on file in the Board of Health Offices and filed with the Department of Environmental Protection, Division of Wastewater Management in Boston. These regulations or any portions thereof may be amended, supplemented, or repealed

from time to time by the Board, as provided by law and applicable regulations.

Peru Board of Health Well Regulations 2023

Peru Well Regulations 2023

Disclaimer.

The issuance of a well permit shall not be construed as a guarantee or certification by the Board or its agents that the water system will function satisfactorily or that the water supply will be of sufficient quality or quantity for its intended use.

Adopted this xxxth day of XXX 2023

Peggy White, Chair

Nanette Mone

Darryl Darby

Recorded with Peru Town Clerk on: TBD

DRAFT

Town of
Peru, Massachusetts



BOARD OF SELECTMEN'S MEETING

SIGN IN SHEET

FOR ATTENDEES AT MEETING

DATE OF: May 30, 2023

PLEASE PRINT NAME

ADDRESS

Peggy White

Logan Brooks

Paul Hocking

Boh

PVED

1 East Main Rd

91 E Main Rd