

MA Wellhead Protection Regulations 310 CMR 22.21(2)

310 CMR 22.21(2) Wellhead Protection ⁱ ⁱⁱ

- (a) Wellhead protection zoning and non-zoning controls submitted to the Department in accordance with 310 CMR 22.21(1), shall collectively prohibit the siting of the following land uses **within the Zone II**, or Zone III if the criteria of 310 CMR 22.21(1)(f) have been met, of the proposed well or wellfield, whichever is applicable:
1. landfills and open dumps, as defined in 310 CMR 19.006;
 2. landfills receiving only wastewater residuals and/or septage (wastewater residuals “monofills”)
 3. automobile graveyards and junkyards, as defined in MGL. c. 140B, §1;
 4. stockpiling or disposal of snow or ice removed from highways and streets located outside of Zone II that contains sodium chloride, chemically treated abrasives or other chemicals used for snow and ice removal;
 5. petroleum, fuel oil and heating oil bulk stations and terminals, including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983, not including liquefied petroleum gas. SIC Codes are established by the U.S Office of Management and Budget and may be determined by referring to the publication, Standard Industrial Classification Manual and any subsequent amendments thereto;
 6. treatment or disposal works subject to 314 CMR 5.00, for wastewater other than sanitary sewage. This prohibition includes, but is not limited to, treatment or disposal works related to activities under the Standard Industrial Classification (SIC) Codes set forth in 310 CMR 15.004(6) (Title 5), except the following:
 - a. replacement or repair of an existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s);
 - b. treatment works approved by the Department designed for the treatment of contaminated ground or surface waters and operated in compliance with 314 CMR 5.05(3) or 5.05(13); and
 - c. publicly owned treatment works, or POTW;
 7. facilities that generate, treat, store or dispose of hazardous waste that are subject to MGL. c. 21C and 310 CMR 30.000, except for the following:
 - a. very small quantity generators, as defined by 310 CMR 30.000;
 - b. household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390;
 - c. waste oil retention facilities required by M.G.L. c. 21, § 52A; and
 - d. treatment works approved by the Department designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters
 8. floor drainage systems in **existing** facilities, in The floor drain prohibitions must be industrial or commercial hazardous material and/or hazardous waste process areas or storage areas, which discharge to the ground without a DEP permit or authorization. Any existing facility with such a drainage system shall be required to either seal the floor drain (in accordance with the state plumbing code, 248 CMR 10.00), connect the drain to a municipal sewer system (with all appropriate permits

and pre-treatment), or connect the drain to a holding tank meeting the requirements of all appropriate DEP regulations and policies.

- (b) Wellhead protection zoning and non-zoning controls submitted to the Department in accordance with 310 CMR 22.21(1), shall collectively prohibit the siting of the following land uses within the Zone II, or Zone III if the criteria of 310 CMR 22.21(1)(f) have been met, of the proposed well or wellfield, whichever is applicable, unless designed in accordance with the specified performance standards:
1. storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
 2. storage of sodium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow on roads, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
 3. storage of commercial fertilizers; unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
 4. storage of animal manures, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
 5. storage of liquid hazardous materials, as defined in M.G.L. c. 21E, and/or liquid petroleum products unless such storage is above ground level AND on an impervious surface in container(s) AND either;
 - a. in above ground tank(s) within a building on an impervious surface OR;
 - b. outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater;
 6. the removal of soil, loam, sand, gravel or any other mineral substances within four feet of the historical high groundwater table elevation (as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey), unless the substances removed are re-deposited within 45 days of removal on site to achieve a final grading greater than four feet above the historical high water mark, and except for excavations for the construction of building foundations, the installation of utility works, or wetland restoration work conducted in accordance with a valid Order of Condition issued pursuant to M.G.L. c. 131, § 40;
 7. land uses that result in the rendering impervious any lot or parcel more than 15% or 2500 square feet, whichever is greater, unless a system for artificial recharge of precipitation is provided that will not result in the degradation of groundwater quality.

ⁱ Do not provide exceptions for any of the required Wellhead Protection Regulations, including those related to agriculture

ⁱⁱ If the water system does not fully own or control their Zone I, do not allow new or expanded uses in the Zone I