

Minimum Recommended Information List

NOTE: Capitalized terms used in this document shall have the meaning set forth in the attached Key to Terms, as applicable.

1. **Project plan.** Submit a Project plan.
 - a. **Content.** The Project plan should include all of the following, both existing and as proposed in connection with the Project (existing structures should be shown “as built”; proposed structures should so indicate):
 - i. the boundaries of the Property;
 - ii. the boundaries of all easements which burden or benefit the Property, including without limitation easements serving the Project;
 - iii. the location of all infrastructure on the Property for sewer, septic system and storm water infiltration;
 - iv. the location of the Project, including all structures;
 - v. maximum occupancy for each building on the Property, determined in accordance with Section 2. Maximum Occupancy Limitation, below;
 - vi. the location of each Drinking Water System, including identifying all components and which building(s) each Drinking Water System serves;
 - vii. the location of each Zone I Equivalent Area, including any portion that may be located off-Property;
 - viii. the location of each Drinking Water Source Area, including any portion that may be located off-Property;
 - ix. the location of all potential sources of contamination as listed in the Land Use Pollution Potential Matrix which are:
 - (A) situated anywhere on the Property;^{1, 2} or
 - (B) situated off-Property, if within a Zone I Equivalent Area; and
 - x. the location of any other potential sources of contamination within a Drinking Water Source Area³ which have a PSC Ranking of “High”, of which the Applicant has actual knowledge or which are commonly known to exist.⁴

¹ While only potential sources of contamination within the Zone I Equivalent Area would typically be considered for review of the proposed well location, information about potential sources of contamination elsewhere on the property is requested, in case a well needs to be relocated.

² The Department would consider any source of contamination having a PSC Ranking of “High” which is located within a Zone I Equivalent Area to pose a risk to public health, in the absence of regulation as a PWS. Accordingly, the Department does not intend to consider a Drinking Water System whose Zone I Equivalent Area includes a “High” risk potential source of contamination for a possible Determination *not* to be regulated as a PWS.

³ Staff may require delineation of the Zone II (as defined in the Regulation) for a well that could be impacted by such a potential source of contamination, in order to evaluate the Applicant’s request for a Determination.

⁴ Off-Property potential sources of contamination may be shown on a separate plan or map, if appropriate.

- b. Preparation. A Project plan should be prepared and signed by a registered land surveyor.
 - c. Review prior to local approval. All Project plans should be approved by the local planning board or other local approving authority and submitted to the Department for review prior to a final Determination. However, staff may review an unapproved Project plan and, where appropriate, issue a preliminary Determination approving a request not to be regulated as a PWS based on that review, pending a final Determination. *See* Section III.C, below.
2. Maximum occupancy limitation. Submit evidence in support of the maximum occupancy information for each building on the Property noted on the Project plan. Such evidence may consist of documents that establish the maximum allowable occupancy for each building in the Project, such as deeds or other recorded instruments, planning board approvals or otherwise. (*e.g.*, for a condominium, the Applicant could establish unit occupancy limits in the master deed and by-laws, to be referenced in unit owner deeds).⁵
 3. Ownership or Control Evidence. Submit Ownership or Control Evidence. The Ownership or Control Evidence should include a copy of documents, existing and proposed, relating to ownership or control of each Drinking Water System, each associated Zone I Equivalent Area, each building which is part of the Project, and of the Property. All Ownership or Control Evidence documents should be submitted fully executed and as recorded at the appropriate Registry of Deeds or as filed in the appropriate Land Registration Office, for review prior to a final Determination. However, staff may review a proposed Ownership or Control Evidence document along with other documents included in an Applicant's submittal and, where appropriate, issue a preliminary Determination approving a request not to be regulated as a PWS based on that review, pending a final Determination. At a minimum, Ownership or Control Evidence should include the following documents:
 - a. a list of the association(s) of people or the legal entity(ies) served or to be served by each Drinking Water System shown on the Project plan (*e.g.*, "all occupants of Building One," if a collection of individuals; or "Smith Condominium Association," if a condominium);⁶ if a legal entity(ies) is (are) to be served, then include a list of the controlling interest(s) in that (those) entity(ies);⁷
 - b. a copy of the recorded deed for the Property and associated recorded plan, if any;

⁵ The maximum occupancy limitations should be consistent with the Applicant's usage statement included in the Certification. *See* Section 5., below.

⁶ A Drinking Water System that serves 25 or more people would not be eligible *not* to be regulated as a PWS.

⁷ This information is for purposes of confirming that the people served by each Drinking Water System also have the required ownership or control.

- c. a current certification of title for the Property, including a copy of any encumbrances listed in the certification of title (*e.g.*, any recorded easement, mortgage or other recorded interest affecting the Property);
 - d. a copy of all agreements or other documents pertaining to the ownership or control of each Drinking Water System, of each building served by each Drinking Water System, and of each associated Zone I Equivalent Area (*e.g.*, if managing the infrastructure and protecting the source would be the responsibility of the condominium association of a particular building, then include a copy of that condominium's declaration or master deed, that condominium association's by-laws and any related easements or other documents pertaining to its ownership and control); and
 - e. if ownership or control is by one or more legal entities (*i.e.*, other than by an individual), such as by a corporation, partnership, limited liability company, limited liability partnership, trust, association or other such legal entity, then include evidence of who owns or controls each such legal entity.
4. Information related to drinking water contamination. Submit a table setting forth the following information about drinking water contamination:
- a. all available water quality contamination sampling data for each well which is part of a Drinking Water System and for any associated test well;
 - b. each potential source of contamination (as shown on the Project plan) identified in the *Land Use Pollution Potential Matrix* that is:
 - i. situated within the Property;
 - ii. situated within any off-Property portion of any Zone I Equivalent Area; or
 - iii. situated within any Drinking Water Source Area,⁸ which has a PSC Ranking of "High", of which the Applicant has actual knowledge or which is commonly known to exist;
 - c. the corresponding PSC Ranking (*i.e.*, High, Moderate or Low) assigned in the *Land Use Pollution Potential Matrix* to each potential source of contamination identified pursuant to Section.4.b.;
 - d. for each such potential source of contamination having a PSC Ranking of "Moderate," describe:⁹
 - i. any site-specific characteristics that may reduce or eliminate that risk; and
 - ii. all Source Protection Measures, if any, which may include best management practices, that have been implemented or are proposed, to reduce, remediate or

⁸ Staff may require delineation of the Zone II (as defined in the Regulation) for a well that could be impacted by such a potential source of contamination, in order to evaluate the Applicant's request for a Determination.

⁹ Discussion of the impact of any "High" risk potential source of contamination on the Zone I Equivalent Area within which it is situated is not required. *See* note 2, above.

eliminate the risk such sources of contamination pose to each such Zone I Equivalent Area and associated Drinking Water System; and whether such Source Protection Measures require ongoing oversight and maintenance, their complexity and cost, and how Applicant intends to ensure that they will continue to be performed over time (for existing Source Protection Measures, discuss Applicant's or other appropriate person's past record of maintaining such Source Protection Measures); and

- e. any existing or anticipated water quality treatment measures in place or proposed, which is not already described in response to Section 3.d.ii.
5. Certification. The Applicant should also provide certifications about usage,¹⁰ ownership and control, and any drinking water contamination, on the Certification form provided by the Department, a copy of which is attached to this Minimum Recommended Information List.

Attachments:

Key to Terms
Certification form

¹⁰ Interim SOP or Guideline #88-11 (Effective Date 10-8-96), the Department's "Public Water System Determination" policy, provides a standard conversion for calculating residential population served based upon number of bedrooms and/or service connections. Note that the maximum occupancy limitations described in the Applicant's Information Submittal should not exceed the maximum residential population calculated in accordance with this policy. See Section.2., above.