



General Assembly

February Session, 2006

**Raised Bill No. 5792**

LCO No. 3044

\*03044\_\_\_\_\_ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

**AN ACT CONCERNING THE TESTING OF PRIVATE RESIDENTIAL WELLS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-37 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) The Commissioner of Public Health may adopt regulations in the  
4 Public Health Code for the preservation of the public health pertaining  
5 to (1) protection and location of new water supply wells or springs for  
6 residential construction or for public or semipublic use, and (2)  
7 inspection for compliance with the provisions of municipal regulations  
8 adopted pursuant to section 22a-354p.

9 (b) The Commissioner of Public Health shall adopt regulations, in  
10 accordance with chapter 54, for the testing of water quality in private  
11 residential wells. The regulations shall require testing for hazardous  
12 substances, as defined in Section 101(14) of the federal Comprehensive  
13 Environmental Response, Compensation and Liability Act of 1980.  
14 Any laboratory or firm which conducts a water quality test on a  
15 private well serving a residential property, [within] not later than

16 thirty days [of] after the completion of such test, shall report the results  
17 of such test to the owner of the property and to the public health  
18 authority of the municipality where the property is located provided  
19 such report shall not be required if the party for whom the laboratory  
20 or firm conducted such test informs the laboratory or firm that the test  
21 was not conducted within six months of the sale of such property. No  
22 regulation may require such a test to be conducted as a consequence or  
23 a condition of the sale, exchange, transfer, purchase or rental of the real  
24 property on which the private residential well is located.

25 (c) The Commissioner of Public Health shall adopt regulations, in  
26 accordance with chapter 54, to clarify the criteria under which a well  
27 permit exception may be granted and describe the terms and  
28 conditions that shall be imposed when a well is allowed at a premise  
29 that is connected to a public water supply system. Such regulations  
30 shall (1) provide for notification of the permit to the public water  
31 supplier, (2) address the quality of the water supplied from the well,  
32 the means and extent to which the well shall not be interconnected  
33 with the public water supply, the need for a physical separation, and  
34 the installation of a reduced pressure device for backflow prevention,  
35 the inspection and testing requirements of any such reduced pressure  
36 device, and (3) identify the extent and frequency of water quality  
37 testing required for the well supply.

38 (d) No regulation may require that a certificate of occupancy for a  
39 dwelling unit on such residential property be withheld or revoked on  
40 the basis of a water quality test performed on a private residential well  
41 pursuant to this section, unless such test results indicate that any  
42 maximum contaminant level applicable to public water supply  
43 systems for any contaminant listed in the public health code has been  
44 exceeded. No administrative agency, health district or municipal  
45 health officer may withhold or cause to be withheld such a certificate  
46 of occupancy except as provided in this section.

47 (e) No regulation may require the water in private residential wells

48 to be tested for alachlor, atrazine, dicamba, ethylene dibromide (EDB),  
49 metolachlor, simazine or 2,4-D or any other herbicide or insecticide  
50 unless (1) results from a prior water test indicate a nitrate  
51 concentration at or greater than ten milligrams per liter, and (2) the  
52 local director of health has reasonable grounds to suspect such  
53 chemical or chemicals are present in said residential well. For the  
54 purposes of this subsection, "reasonable grounds" includes, but is not  
55 limited to, the proximity of the particular water supply system to past  
56 or present agricultural uses of land.

57 (f) Any owner of a residential construction on which a private  
58 residential well is located or any general contractor of a new  
59 residential construction on which a private residential well is located  
60 may collect samples of well water for submission to a laboratory or  
61 firm for the purposes of testing water quality pursuant to this section,  
62 provided such laboratory or firm finds said owner or general  
63 contractor to be qualified to collect such sample. No regulation may  
64 prohibit or impede such collection or analysis.

65 [(g) No regulation may require the water in private residential wells  
66 to be tested for organic chemicals unless the local director of health has  
67 reasonable grounds to suspect such organic chemicals are present in  
68 said residential well. For purposes of this subsection, "reasonable  
69 grounds" means any indication, derived from a phase I environmental  
70 site assessment or otherwise, that the particular water supply system  
71 that is to be tested exists on land or in proximity to land associated  
72 with the past or present production, storage, use or disposal of organic  
73 chemicals.]

74 [(h)] (g) The amendments to sections 19-13-B511 and 19-13-B101 of  
75 the regulations of Connecticut state agencies that became effective  
76 December 30, 1996, shall be waived for those residential wells which  
77 were not tested in accordance with said amendments between  
78 December 30, 1996, and July 8, 1997.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	19a-37

**Statement of Purpose:**

To require the testing of private residential wells for hazardous substances.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*