



General Assembly

Substitute Bill No. 5792

February Session, 2006

* HB05792FIN 041806 *

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 Section 19a-37 of the general statutes is repealed and the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 July 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. Water testing shall be required
9 for all new private water supply systems and for any existing water
10 supply system as a consequence or condition of the sale, exchange,
11 transfer or purchase of the real property on which a private residential
12 well is located.

13 (b) The Commissioner of Public Health shall adopt regulations, in
14 accordance with chapter 54, for the testing of water quality in private
15 residential wells. Any approved laboratory, [or firm] as defined in the
16 Public Health Code, which conducts a water quality test on a private
17 well serving a residential property [, within thirty days of the
18 completion of such test,] shall report the results of such test to the
19 public health authority of the municipality where the property is

20 located [provided such report shall not be required if the party for
21 whom the laboratory or firm conducted such test informs the
22 laboratory or firm that the test was not conducted within six months of
23 the sale of such property. No regulation may require such a test to be
24 conducted as a consequence or a condition of the sale, exchange,
25 transfer, purchase or rental of the real property on which the private
26 residential well is located] as soon as reasonably possible consistent
27 with this section.

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

41 (d) [No regulation may require that a certificate of occupancy for a
42 dwelling unit on such residential property be withheld or revoked on
43 the basis of a water quality test performed on a private residential well
44 pursuant to this section, unless such] In the event that water test
45 results for a private well indicate that any maximum contaminant level
46 applicable to public water supply systems for any contaminant listed
47 in the public health code or for any contaminant listed on the state
48 drinking water action level list established pursuant to section 22a-471
49 of the 2006 supplement to the general statutes has been exceeded, [.
50 No] any administrative agency, health district or municipal health
51 officer may withhold or cause to be withheld [such] a certificate of
52 occupancy [except as provided in this section] until such time as such
53 administrative agency, health district or municipal health officer

54 determines that a safe supply of drinking water is provided to the
55 people potentially impacted by such well.

56 [(e) No regulation may require the water in private residential wells
57 to be tested for alachlor, atrazine, dicamba, ethylene dibromide (EDB),
58 metolachlor, simazine or 2,4-D or any other herbicide or insecticide
59 unless (1) results from a prior water test indicate a nitrate
60 concentration at or greater than ten milligrams per liter and (2) the
61 local director of health has reasonable grounds to suspect such
62 chemical or chemicals are present in said residential well. For the
63 purposes of this subsection, "reasonable grounds" includes, but is not
64 limited to, the proximity of the particular water supply system to past
65 or present agricultural uses of land.

66 (f) Any owner of a residential construction on which a private
67 residential well is located or any general contractor of a new
68 residential construction on which a private residential well is located
69 may collect samples of well water for submission to a laboratory or
70 firm for the purposes of testing water quality pursuant to this section,
71 provided such laboratory or firm finds said owner or general
72 contractor to be qualified to collect such sample. No regulation may
73 prohibit or impede such collection or analysis.

74 (g) No regulation may require the water in private residential wells
75 to be tested for organic chemicals unless the local director of health has
76 reasonable grounds to suspect such organic chemicals are present in
77 said residential well. For purposes of this subsection, "reasonable
78 grounds" means any indication, derived from a phase I environmental
79 site assessment or otherwise, that the particular water supply system
80 that is to be tested exists on land or in proximity to land associated
81 with the past or present production, storage, use or disposal of organic
82 chemicals.

83 (h) The amendments to sections 19-13-B51l and 19-13-B101 of the
84 regulations of Connecticut state agencies that became effective
85 December 30, 1996, shall be waived for those residential wells which

86 were not tested in accordance with said amendments between
87 December 30, 1996, and July 8, 1997.]

88 (e) On or after October 1, 2006, any testing of water from a private
89 residential well shall include testing of volatile organic compounds
90 and other chemical constituents as set forth in the United States
91 Environmental Protection Agency Analytical Method 524.2 in 40 CFR
92 141.24. Such testing of volatile organic compounds and other chemical
93 constituents shall be in addition to any other requirements of the
94 general statutes, the regulations of Connecticut state agencies, or the
95 Public Health Code.

96 (f) In the event any maximum contaminant level applicable to
97 public water supply systems for any contaminant listed in the Public
98 Health Code or for any contaminant listed on the state drinking water
99 action level list established pursuant to section 22a-471 of the 2006
100 supplement to the general statutes is exceeded, not later than twenty-
101 four hours after the public health authority of the municipality receives
102 results of any testing of water conducted under the authority of this
103 section, such public health authority shall provide written notification
104 of the results of such water testing to the following:

105 (1) The owner of record of the property from which the water
106 sample was taken;

107 (2) Not less than one individual of each unit of any rented or
108 tenement dwelling unit located on the property from which the water
109 sample was taken;

110 (3) Each lessee of the property from which the water sample was
111 taken;

112 (4) Any person that files a request with such public health authority
113 to receive testing information of such testing of water within the
114 municipality; and

115 (5) The Commissioner of Environmental Protection.

116 (g) In the event any maximum contaminant level applicable to
117 public water supply systems for any contaminant listed in the Public
118 Health Code or for any contaminant listed on the state drinking water
119 action level list established pursuant to section 22a-471 of the 2006
120 supplement to the general statutes is not exceeded, not later than ten
121 days after the public health authority of the municipality receives
122 results of any testing of water conducted under the authority of this
123 section such public health authority shall provide written notification
124 of the results of such water testing to the following individuals:

125 (1) The owner of record of the property from which the water
126 sample was taken;

127 (2) Not less than one individual of each unit of any rented or
128 tenement dwelling unit located on the property from which the water
129 sample was taken;

130 (3) Each lessee of the property from which the water sample was
131 taken; and

132 (4) Any person that files a request with such public health authority
133 to receive testing information of such testing of water within the
134 municipality.

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

ENV Joint Favorable Subst.

PH Joint Favorable

FIN Joint Favorable