



Senate

General Assembly

File No. 449

January Session, 2021

Substitute Senate Bill No. 834

Senate, April 14, 2021

The Committee on Public Health reported through SEN. DAUGHERTY ABRAMS of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING WATER QUALITY NOTIFICATION.

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 Section 19a-37 of the general statutes is repealed and the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, 2021*):

3 (a) As used in this section:

4 (1) "Laboratory or firm" means an environmental laboratory
5 registered by the Department of Public Health pursuant to section 19a-
6 29a;

7 (2) "Private well" means a water supply well that meets all of the
8 following criteria: (A) Is not a public well; (B) supplies a population of
9 less than twenty-five persons per day; and (C) is owned or controlled
10 through an easement or by the same entity that owns or controls the
11 building or parcel that is served by the water supply well;

12 (3) "Public well" means a water supply well that supplies a public

13 water system;

14 (4) "Semipublic well" means a water supply well that (A) does not
15 meet the definition of a private well or public well, and (B) provides
16 water for drinking and other domestic purposes; and

17 (5) "Water supply well" means an artificial excavation constructed by
18 any method for the purpose of obtaining or providing water for
19 drinking or other domestic, industrial, commercial, agricultural,
20 recreational or irrigation use, or other outdoor water use.

21 (b) The Commissioner of Public Health may adopt regulations in the
22 Public Health Code for the preservation of the public health pertaining
23 to (1) protection and location of new water supply wells or springs for
24 residential or nonresidential construction or for public or semipublic
25 use, and (2) inspection for compliance with the provisions of municipal
26 regulations adopted pursuant to section 22a-354p.

27 (c) The Commissioner of Public Health shall adopt regulations, in
28 accordance with chapter 54, for the testing of water quality in private
29 residential wells and semipublic wells. Any laboratory or firm which
30 conducts a water quality test on a private well serving a residential
31 property or semipublic well shall, not later than thirty days after the
32 completion of such test, report the results of such test to (1) the public
33 health authority of the municipality where the property is located, and
34 (2) the Department of Public Health in a format specified by the
35 department, provided such report shall only be required if the party for
36 whom the laboratory or firm conducted such test informs the laboratory
37 or firm identified on the chain of custody documentation submitted
38 with the test samples that the test was conducted in connection with the
39 sale of such property. No regulation may require such a test to be
40 conducted as a consequence or a condition of the sale, exchange,
41 transfer, purchase or rental of the real property on which the private
42 residential well or semipublic well is located.

43 (d) Prior to the sale, exchange, purchase, transfer or rental of real
44 property on which a residential well is located, the owner shall provide

45 the buyer or tenant notice that educational material concerning private
46 well testing is available on the Department of Public Health web site.
47 Failure to provide such notice shall not invalidate any sale, exchange,
48 purchase, transfer or rental of real property. If the seller or landlord
49 provides such notice in writing, the seller or landlord and any real estate
50 licensee shall be deemed to have fully satisfied any duty to notify the
51 buyer or tenant that the subject real property is located in an area for
52 which there are reasonable grounds for testing under subsection (g) or
53 (j) of this section.

54 (e) The Commissioner of Public Health shall adopt regulations, in
55 accordance with chapter 54, to clarify the criteria under which the
56 commissioner may issue a well permit exception and to describe the
57 terms and conditions that shall be imposed when a well is allowed at a
58 premises (1) that is connected to a public water supply system, or (2)
59 whose boundary is located within two hundred feet of an approved
60 community water supply system, measured along a street, alley or
61 easement. Such regulations shall (A) provide for notification of the
62 permit to the public water supplier, (B) address the quality of the water
63 supplied from the well, the means and extent to which the well shall not
64 be interconnected with the public water supply, the need for a physical
65 separation, and the installation of a reduced pressure device for
66 backflow prevention, the inspection and testing requirements of any
67 such reduced pressure device, and (C) identify the extent and frequency
68 of water quality testing required for the well supply.

69 (f) No regulation may require that a certificate of occupancy for a
70 dwelling unit on such residential property be withheld or revoked on
71 the basis of a water quality test performed on a private residential well
72 pursuant to this section, unless such test results indicate that any
73 maximum contaminant level applicable to public water supply systems
74 for any contaminant listed in the public health code has been exceeded.
75 No administrative agency, health district or municipal health officer
76 may withhold or cause to be withheld such a certificate of occupancy
77 except as provided in this section.

78 (g) The local director of health may require a private residential well
79 or semipublic well to be tested for arsenic, radium, uranium, radon or
80 gross alpha emitters, when there are reasonable grounds to suspect that
81 such contaminants are present in the groundwater. For purposes of this
82 subsection, "reasonable grounds" means (1) the existence of a geological
83 area known to have naturally occurring arsenic, radium, uranium,
84 radon or gross alpha emitter deposits in the bedrock; or (2) the well is
85 located in an area in which it is known that arsenic, radium, uranium,
86 radon or gross alpha emitters are present in the groundwater.

87 (h) Except as provided in subsection (i) of this section, the collection
88 of samples for determining the water quality of private residential wells
89 and semipublic wells may be made only by (1) employees of a
90 laboratory or firm certified or approved by the Department of Public
91 Health to test drinking water, if such employees have been trained in
92 sample collection techniques, (2) certified water operators, (3) local
93 health departments and state employees trained in sample collection
94 techniques, or (4) individuals with training and experience that the
95 Department of Public Health deems sufficient.

96 (i) Any owner of a residential construction, including, but not limited
97 to, a homeowner, on which a private residential well is located or any
98 general contractor of a new residential construction on which a private
99 residential well is located may collect samples of well water for
100 submission to a laboratory or firm for the purposes of testing water
101 quality pursuant to this section, provided (1) such laboratory or firm has
102 provided instructions to said owner or general contractor on how to
103 collect such samples, and (2) such owner or general contractor is
104 identified to the subsequent owner on a form to be prescribed by the
105 Department of Public Health. No regulation may prohibit or impede
106 such collection or analysis.

107 (j) The local director of health may require private residential wells
108 and semipublic wells to be tested for pesticides, herbicides or organic
109 chemicals when there are reasonable grounds to suspect that any such
110 contaminants might be present in the groundwater. For purposes of this

111 subsection, "reasonable grounds" means (1) the presence of nitrate-
 112 nitrogen in the groundwater at a concentration greater than ten
 113 milligrams per liter, or (2) that the private residential well or semipublic
 114 well is located on land, or in proximity to land, associated with the past
 115 or present production, storage, use or disposal of organic chemicals as
 116 identified in any public record.

117 (k) The owner of any residential or commercial property shall notify
 118 each tenant of any leased or rented unit located on such property and
 119 the lessee of such property whenever any testing of the water supply for
 120 such property indicates that the water exceeds a maximum contaminant
 121 level applicable to water supply systems for any contaminant listed in
 122 the Public Health Code or for any contaminant listed on the state
 123 drinking water action level list established pursuant to section 22a-471.
 124 Not later than twenty-four hours after receiving notification of the
 125 results of such testing, the owner shall forward a copy of such
 126 notification to each such tenant and lessee. The local director of health
 127 shall take all reasonable steps to verify that such owner forwarded the
 128 notice required pursuant to this subsection.

129 [(k)] (l) Any water transported in bulk by any means to a premises
 130 currently supplied by a private well or semipublic well where the water
 131 is to be used for purposes of drinking or domestic use shall be provided
 132 by a bulk water hauler licensed pursuant to section 20-278h. No bulk
 133 water hauler shall deliver water without first notifying the owner of the
 134 premises of such delivery. Bulk water hauling to a premises currently
 135 supplied by a private well or semipublic well shall be permitted only as
 136 a temporary measure to alleviate a water supply shortage.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	19a-37

PH Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill requires commercial and residential property owners to notify each tenant and the lessee of any rented property whenever the property's water supply is tested and exceeds any maximum contaminant level in the Public Health Code or the Department of Public Health's state drinking water action level list. The bill also requires the local health director to verify that the property owner has notified tenants of the test results.

Municipalities have the staff expertise to handle this requirement; thus there is no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 834*****AN ACT CONCERNING WATER QUALITY NOTIFICATION.*****SUMMARY**

This bill requires commercial and residential property owners to notify each tenant and the lessee of any rented property whenever the property's water supply is tested and exceeds any maximum contaminant level in the Public Health Code or the Department of Public Health's (DPH) state drinking water action level list.

Under the bill, the property owner must forward a copy of the test result notification to each tenant and lessee within 24 hours after receiving it. It also requires the local health director to take all reasonable steps to verify that the property owner does so.

By law, DPH sets drinking water quality standards (i.e., "action levels") to protect residents from health risks. In most cases, these standards mirror the federal Environmental Protection Agency's maximum contaminant levels for public system drinking water.

EFFECTIVE DATE: October 1, 2021

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 33 Nay 0 (03/29/2021)