



General Assembly

**Substitute Bill No. 834**

January Session, 2021



**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 Section 19a-37 of the general statutes is repealed and the  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.