
OLR Bill Analysis

HB 5484

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S RECOMMENDATIONS REGARDING PRIVATE AND SEMIPUBLIC WELL TESTING.

SUMMARY

Starting October 1, 2022, this bill requires property owners to test the water quality of their private or semipublic wells:

1. when the well is newly constructed, as under current regulation (see BACKGROUND) and
2. before selling, purchasing, exchanging, or transferring the property.

At a minimum, the testing must screen for the following contaminants: total coliform, nitrate, nitrite, sodium, chloride, iron, manganese, hardness, turbidity, pH, sulfate, apparent color, odor, lead, arsenic, and uranium. Within 30 days after completing the test, the environmental laboratory that does the testing must report the results to the local health department of the municipality where the property is located.

The bill requires (1) property owners to complete testing related to a real estate transaction within 45 days before the transaction occurs and (2) the prospective buyer to pay for the test. (Presumably, the property owner would be required to pay for testing related to transactions other than sales.) For this testing, in addition to reporting to the local health department, the laboratory must also report the results to the Department of Public Health (DPH) in a format the department specifies. The bill makes the laboratory responsible for knowing if the test is related to a property transaction.

Additionally, current law allows a local or district health director to

require that an existing private or semipublic well be tested for certain contaminants if he or she reasonably suspects groundwater contamination. The bill removes arsenic and uranium from the list of contaminants that must be tested for, but continues required testing for radium, radon, gross alpha emitters, pesticides, herbicides, or organic chemicals. (The bill already requires property owners to test these wells for arsenic and uranium when they are newly constructed or part of a real estate transaction.)

Lastly, the bill makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2022

BACKGROUND

Current Testing Requirements

Local health districts and departments oversee private and semipublic residential wells, and well owners are responsible for maintaining the well and testing the quality of their own drinking water. State regulation requires water quality tests for newly constructed private residential wells, but neither state law nor regulation requires testing after the wells are first built.

Therefore, existing private wells are not tested unless the (1) homeowner arranges for the test or (2) local health department or the Department of Energy and Environmental Protection tests as part of an investigation (Conn. Agencies Regs. §§ 19-13-B101 and 19-13-B102).

Additionally, neither state law nor regulation currently requires an existing well to be tested as a condition of selling a home (Conn. Agencies Regs. § 19-13-B101). Instead, current law requires a homeowner to notify the purchaser that information about well testing is available on the DPH website.

COMMITTEE ACTION

Public Health Committee

Joint Favorable

Yea 20 Nay 10 (03/23/2022)