



General Assembly

February Session, 2020

Raised Bill No. 5184

LCO No. 1329



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

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 2020 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2020*):

4 (a) As used in this section:

5 (1) "Laboratory or firm" means an environmental laboratory
6 registered by the Department of Public Health pursuant to section 19a-
7 29a;

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

13 (3) "Public well" means a water supply well that supplies a public
14 water system;

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

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

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

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

44 (d) Prior to the sale, exchange, purchase, transfer or rental of real
45 property on which a residential well is located, the owner shall provide
46 the buyer or tenant notice that educational material concerning private

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

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

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

79 (g) The local director of health may require a private residential well

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

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

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

108 (j) The local director of health may require private residential wells
109 and semipublic wells to be tested for pesticides, herbicides or organic
110 chemicals when there are reasonable grounds to suspect that any such
111 contaminants might be present in the groundwater. For purposes of this
112 subsection, "reasonable grounds" means (1) the presence of nitrate-

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

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

131 [(k)] (l) Any water transported in bulk by any means to a premises
132 currently supplied by a private well or semipublic well where the water
133 is to be used for purposes of drinking or domestic use shall be provided
134 by a bulk water hauler licensed pursuant to section 20-278h. No bulk
135 water hauler shall deliver water without first notifying the owner of the
136 premises of such delivery. Bulk water hauling to a premises currently
137 supplied by a private well or semipublic well shall be permitted only as
138 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, 2020	19a-37

Statement of Purpose:

To require the owner of a property supplied by a public well or a well for semipublic use to notify each tenant and lessee of such property of the results of certain water quality tests.

[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.]