

1 H.518

2 Introduced by Representatives Deen of Westminster and McCullough of

3 Williston

4 Referred to Committee on

5 Date:

6 Subject: Conservation; potable water supply; testing

7 Statement of purpose: This bill proposes to require a person who owns or  
8 controls a potable water supply to test, if testing of the groundwater source is  
9 not otherwise required by law, the groundwater source for arsenic; lead;  
10 uranium; gross alpha radiation; total coliform bacteria, total nitrate and nitrite,  
11 fluoride, and manganese.

12 An act relating to the testing of potable water supplies

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. FINDINGS

15 The general assembly finds and declares that:

16 (1) The U.S. Environmental Protection Agency and the Vermont  
17 department of health estimate that 40 percent of Vermont residents obtain  
18 drinking water from groundwater sources.

1           (2) Property owners currently are not required to test groundwater  
2           sources that are a potable water supply serving one single-family residence.

3           (3) In adults and especially in children, consumption of contaminated  
4           groundwater can cause serious health effects, such as digestive problems,  
5           kidney problems, blue baby syndrome, and brain damage.

6           (4) The state lacks a comprehensive database or map identifying where  
7           groundwater contamination is prevalent in the state.

8           (5) To help mitigate the potential health effects of consumption of  
9           contaminated groundwater, the state should require testing of all newly  
10           developed groundwater sources and should conduct education and outreach  
11           regarding the need for property owners to test the water quality of groundwater  
12           used in potable water supplies.

13           (6) The state should utilize tests of groundwater sources to construct a  
14           database and map of groundwater contamination in the state so that the  
15           department of health can recommend treatment options to property owners in  
16           certain parts of the state.

17           Sec. 2. 10 V.S.A. § 1981 is added to read:

18           § 1981. TESTING OF NEW GROUNDWATER SOURCES

19           (a) As used in this section, “groundwater source” means that portion of a  
20           potable water supply that draws water from the ground, including a drilled  
21           well, shallow well, driven well point, or spring.

1       (b) Prior to use of a new groundwater source as a potable water supply,  
2       where testing is not otherwise required, the person who owns or controls the  
3       groundwater source shall test the groundwater source for the parameters set  
4       forth in subsection (c) of this section.

5       (c) A water sample collected under this section shall be analyzed for, at a  
6       minimum: arsenic; lead; uranium; gross alpha radiation; total coliform  
7       bacteria, total nitrate and nitrite, fluoride, manganese, and any other parameters  
8       required by the agency by rule.

9       (d) The secretary, after consultation with the department of health, the  
10       wastewater and potable water supply technical advisory committee, the  
11       Vermont association of realtors, the Vermont home inspectors' association,  
12       private laboratories, and other interested parties, shall adopt by rule  
13       requirements regarding:

14       (1) when, prior to use of a new groundwater source, the test required  
15       under subsection (b) of this section shall be conducted;

16       (2) who shall be authorized to sample the source for the test required  
17       under subsection (b) of this section, provided that the rule shall include the  
18       person who owns or controls the groundwater source and licensed well drillers  
19       among those authorized to conduct the test;

1           (3) how a water sample shall be collected in order to comply with the  
2           requirements of the analyses to be performed; and

3           (4) any other requirements necessary to implement this section.

4           Sec. 3. 18 V.S.A. § 501b is amended to read:

5           § 501b. CERTIFICATION OF LABORATORIES

6           (a) The commissioner may certify a laboratory to perform the testing and  
7           monitoring required under 10 V.S.A. chapter 56, 10 V.S.A. § 1981, and the  
8           federal Safe Drinking Water Act if such laboratory meets the standards  
9           currently in effect of the National Environmental Laboratory Accreditation  
10          Conference and is accredited by an approved National Environmental  
11          Laboratory Accreditation Program accrediting authority or its equivalent.

12          (b)(1) The commissioner may by order suspend or revoke a certificate  
13          granted under this section, after notice and opportunity to be heard, if the  
14          commissioner finds that the certificate holder has:

15                  (A) submitted materially false or materially inaccurate  
16          information; or

17                  (B) violated any material requirement, restriction or condition of the  
18          certificate; or

19                  (C) violated any statute, rule or order relating to this title.

20          (2) The order shall set forth what steps, if any, may be taken by the  
21          certificate holder to relieve the holder of the suspension or enable the

1 certificate holder to reapply for certification if a previous certificate has been  
2 revoked.

3 (c) A person may appeal the suspension or revocation of the certificate to  
4 the board under section 128 of this title.

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6 (f) In accrediting a laboratory to conduct testing under 10 V.S.A. § 1981,  
7 the commissioner shall require a laboratory accredited under this section to  
8 submit in an electronic format the results of groundwater analyses conducted  
9 pursuant to 10 V.S.A. § 1981 to the department of health and the agency of  
10 natural resources.

11 Sec. 4. 27 V.S.A. § 616 is added to read:

12 § 616. GROUNDWATER SOURCE TESTING; DISCLOSURE OF  
13 EDUCATIONAL MATERIAL

14 (a) For purchase and sales agreements executed on or after January 1, 2013,  
15 the seller shall provide the buyer, within 72 hours of the execution of a  
16 purchase and sales agreement for a property with a potable water supply, as  
17 that term is defined in 10 V.S.A. § 1972(6), that is not served by a public water  
18 system, as that term is defined in 10 V.S.A. § 1671(5), with informational  
19 materials developed by the department of health regarding:

20 (1) the potential health effects of the consumption of untreated  
21 groundwater; and

1           (2) the buyer's opportunity under the agreement to test the potable water  
2 supply.

3           (b) Noncompliance with the requirements of subsection (a) of this section  
4 shall not affect the marketability of title.

5       Sec. 5. DEPARTMENT OF HEALTH; EDUCATION AND OUTREACH  
6               ON SAFE DRINKING WATER

7           The department of health shall, after consultation with the agency of natural  
8 resources, revise and update its education and outreach materials regarding the  
9 potential health effects of contaminants in groundwater sources of drinking  
10 water in order to improve citizen access to such materials and to increase  
11 awareness of the need to conduct testing of groundwater sources. In revising  
12 and updating its education and outreach materials, the department shall update  
13 the online safe water resource guide by incorporating the most current  
14 information on the health effects of contaminants, treatment of contaminants,  
15 and causes of contamination and by directly linking users to the department of  
16 health contaminant fact sheets.

17       Sec. 6. EFFECTIVE DATES

18           (a) This section and Secs. 1 (findings), 3 (certification of laboratories), and  
19 5 (department of health; education and outreach) of this act shall take effect  
20 upon passage.

1        (b) Sec. 2 (testing of new groundwater sources) of this act shall take effect  
2        upon passage, except that 10 V.S.A. § 1981(b) (the requirement to test new  
3        groundwater sources) shall take effect on January 1, 2014.

4        (c) Sec. 4 (disclosure of educational material) of this act shall take effect on  
5        January 1, 2013.