

1 S.183

2 Introduced by Senator Lyons

3 Referred to Committee on

4 Date:

5 Subject: Conservation; potable water supply; testing

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

11 An act relating to the testing of potable water supplies

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

13 Sec. 1. FINDINGS

14 The general assembly finds and declares that:

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

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

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

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

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

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

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

16 § 1981. TESTING OF NEW GROUNDWATER SOURCES

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

20 (b) Prior to use of a new groundwater source as a potable water supply,
21 where testing is not otherwise required, the person who owns or controls the

1 groundwater source shall test the groundwater source for the parameters set
2 forth in subsection (c) of this section.

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

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

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

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

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

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

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

2 § 501b. CERTIFICATION OF LABORATORIES

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

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

12 (A) submitted materially false or materially inaccurate
13 information; or

14 (B) violated any material requirement, restriction or condition of the
15 certificate; or

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

17 (2) The order shall set forth what steps, if any, may be taken by the
18 certificate holder to relieve the holder of the suspension or enable the
19 certificate holder to reapply for certification if a previous certificate has been
20 revoked.

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

3 * * *

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

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

10 § 616. GROUNDWATER SOURCE TESTING; DISCLOSURE OF
11 EDUCATIONAL MATERIAL

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

18 (1) the potential health effects of the consumption of untreated
19 groundwater; and

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

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

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

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

15 Sec. 6. EFFECTIVE DATES

16 (a) This section and Secs. 1 (findings), 3 (certification of laboratories), and
17 5 (department of health; education and outreach) of this act shall take effect
18 upon passage.

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

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