

S.77

Introduced by Committee on Natural Resources and Energy

Date:

Subject: Conservation and development; potable water supply; private well
testing

Statement of purpose: This bill proposes to require a private well used or
intended for use as a potable water supply to be tested for drinking water
contaminants when the well is initially drilled and as a condition of a contract
for sale. The bill also proposes to require the agency of natural resources to
develop a well testing kit that would be available to the public. In addition, the
bill proposes to require the department of health to revise and update its
education and outreach materials regarding the potential health effects of
contaminants in private sources of drinking water.

An act relating to water testing of private wells

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

Sec. 1. 10 V.S.A. § 1981 is added to read:

§ 1981. TESTING OF PRIVATE WELLS; NEW WELLS; AS A

CONDITION OF CONTRACT FOR SALE

(a) A private well intended for use as a potable water supply shall be tested
upon the initial construction or drilling of the well for the parameters set forth

1 in subsection (c) of this section. Within 10 days of receiving the results of a
2 complete test, the owner of the real property on which the private well is
3 located shall submit the results, on a form provided by the agency, to the
4 agency and the department of health.

5 (b) In any transaction for the sale or exchange of real property for which
6 the potable water supply is a private well, the seller of the property, as a
7 condition of a contract for sale, shall have the well tested for the parameters set
8 forth in subsection (c) of this section. Within 10 days of receiving the results
9 of a complete test, the seller shall submit the results, on a form provided by the
10 agency, to the agency, the department of health, and the buyer.

11 (c) A water test conducted under this section shall include, at a minimum a
12 test for arsenic; lead; uranium; gross alpha radiation; coliform bacteria, and
13 any other parameters required by the agency by rule.

14 (d) When a well is tested under subsection (a) or (b) of this section, the
15 samples sent for testing shall include, on a form provided by the agency, the
16 name, signature, and contact information of a witness who attests to the fact
17 that the sample is from the identified well.

18 (e) The secretary, in consultation with the commissioner of health, may
19 adopt rules to implement the requirements of this section.

1 Sec. 2. 27 V.S.A. § 616 is added to read:

2 § 616. DISCLOSURE OF RESULTS OF PRIVATE WELL TESTING

3 Upon conveyance of land on which is located a potable water supply, as
4 that term is defined in 10 V.S.A. § 1972(6), the source of which is a private
5 well, the seller shall provide the buyer with a disclosure form that includes the
6 results of the well testing required under 10 V.S.A. § 1981.

7 Sec. 3. PRIVATE WELL TESTING KIT

8 (a) The agency of natural resources, in consultation with the department of
9 health, shall develop a kit for the testing of the following contaminants in a
10 private well used as a potable water supply, as that term is defined in 10 V.S.A.
11 § 1972(6):

12 (1) arsenic;

13 (2) lead;

14 (3) uranium;

15 (4) gross alpha radiation; and

16 (5) coliform bacteria.

17 (b) The testing kit required under subsection (a) of this section shall be
18 available to homeowners from the agency of natural resources and the
19 department of health. Homeowners shall be charged no more than \$120.00 for
20 a testing kit. The department of health shall establish by procedure a program,
21 including eligibility requirements, to allow homeowners to apply for financial

1 assistance for the purchase of the testing kit. Financial assistance may take the
2 form of a refund of the purchase price or a reduced purchase price.

3 Sec. 4. 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 private sources of
8 drinking water in order to improve citizen access to such materials and to
9 increase awareness of the need to conduct testing of private water sources. In
10 revising and updating its education and outreach materials, the department
11 shall:

12 (1) Update the online safe water resource guide by incorporating the
13 most current information on the health effects of contaminants, treatment of
14 contaminants, and causes of contamination and by directly linking users to the
15 department of health contaminant fact sheets.

16 (2) Develop an educational brochure regarding arsenic contamination of
17 private drinking water sources that can be distributed to schools, doctors,
18 municipalities, well drilling companies, and other appropriate parties.

19 (3) Develop a media campaign to educate the public regarding potential
20 contamination of private drinking water sources and the need to test such
21 sources.

1 (4) Develop an educational program for elementary and secondary
2 schools regarding potential contamination of private drinking water sources
3 and the need to test such sources.

4 Sec. 5. EFFECTIVE DATE

5 This act shall take effect on January 1, 2012.