HB 205 - AS INTRODUCED

2023 SESSION

23-0459
08/04

HOUSE BILL ***205***

AN ACT relative to testing private wells.

SPONSORS: Rep. Meuse, Rock. 37; Rep. Grote, Rock. 24; Rep. Edgar, Rock. 29; Rep. Malloy, Rock. 24; Rep. W. Thomas, Hills. 12; Rep. N. Murphy, Hills. 12; Rep. Balboni, Rock. 38; Sen. Altschiller, Dist 24

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill requires that installers of new well pumps test the water for certain contaminants.

This bill also requires that property buyers be notified of the presence of certain contaminants in well water before the execution of a contract for purpose.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to testing private wells.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Section; Well Testing. Amend RSA 482-B by inserting after section 18 the following new section:

482-B:19 Well Testing.

I. Following the pump installation on a new well constructed as a drinking water supply source that will not serve a public water system as defined in RSA 485:1-a, XV, the licensed pump installer shall be responsible for having the water quality tested.

II. The water sample for testing shall be collected by the licensed pump installer or an individual representing them.

III. The water sample for testing shall be representative of the raw and untreated water and free of visible sediment or residual disinfectant.

IV. The water sample for testing shall be analyzed by a laboratory accredited by the New Hampshire environmental laboratory accreditation program for the parameters listed below:

(a) Arsenic.
(b) Bacteria.
(c) Chloride.
(d) Copper.
(e) Fluoride.
(f) Hardness.
(g) Iron.
(h) Lead.
(i) Manganese.
(j) Nitrate.
(k) Nitrite.
(l) pH.
(m) Sodium.
(n) Uranium.
(o) Radon.
(p) Perfluorooctanic acid (PFOA).
(q) Perfluorooctane sulfonate (PFOS).
(r) Perfluorononanoic acid (PFNA)
(s) Perfluorohexane sulfonate (PFHxS).

(t) Other per- and polyfluoroalkyl substances for which the department of environmental services establishes a maximum contaminant level for pursuant to RSA 485 or ambient groundwater quality standard adopted pursuant to RSA 485-C and other per- and polyfluoroalkyl substances detected and reported to the department of environmental services in other wells within the same community.

V. The pump installer shall provide the laboratory's report of required analyses to the current owner of the property which the well will serve accompanied by a notice from the department of environmental services that includes information on new well water quality; the importance of re-testing water periodically; recommendations for testing additional parameters; how to interpret the results and identify treatment needs and options; and the importance of maintaining treatment systems, if installed.

VI. Failure to test a well or submit the laboratory report resulting from such test section shall be a violation.

2 Notification Required; Well Water Contaminants, Radon, and Lead. Amend RSA 477:4-a to read as follows:

477:4-a Notification Required; Radon, Arsenic, ***PFAS,*** and Lead.

I. Prior to the execution of any contract for the purchase and sale of any interest in real property which includes a building, the seller, or seller's agent, shall provide the following notification to the buyer. The buyer shall acknowledge receipt of this notification by signing a copy of such notification:

"Contaminants Common in Well Water: Most private wells in New Hampshire provide water containing harmful contaminants. The New Hampshire department of environmental services recommends that everyone buying a home first have the water tested using a "New Hampshire Well Water Test for Home Buyers," which is available at the state water laboratory and at private labs (search the Internet for "NHDES Private Well Testing"). After you receive your test results visit the department of environmental services' "Be Well Informed" website to determine whether a treatment system would be advisable."

"Radon: Radon, the product of decay of radioactive materials in rock, [~~may be found in some~~] ***is common in many*** areas of New Hampshire. Radon gas may pass into a structure through the ground or through water from a deep well ***resulting in levels of radon that increase the risk of lung cancer and other diseases***. Testing of the air by a professional certified in radon testing and testing of the water***, as described above,*** by an accredited laboratory can [~~establish radon's presence and equipment is available to remove it from the air or water~~] ***measure radon levels and inform a home buyer's decision regarding the need to install water treatment and/or air mitigation systems***."

"Arsenic: Arsenic is a common groundwater contaminant in New Hampshire that occurs at unhealthy levels in well water in many areas of the state. Tests are available to determine whether

arsenic is present at unsafe levels, and equipment is available to remove it from water. The buyer is encouraged to consult the New Hampshire department of environmental services private well testing recommendations (www.des.nh.gov) to ensure a safe water supply if the subject property is served by a private well."

"PFAS: Poly- and perfluoroalkyl substances (PFAS) are found in products that are used in domestic, commercial, institutional and industrial settings. These chemical compounds have affected wells throughout New Hampshire but are more frequently detected at elevated levels in southern New Hampshire. It is recommended that water from private drinking water wells be tested for per and polyfluoroalkyl substances utilizing current laboratory testing methods for drinking water developed by the United States Environmental Protection Agency or other testing methods as approved by the commissioner of the department of environmental services. All per and polyfluoroalkyl substances associated with the testing method should be reported."

"Lead: Before 1978, paint containing lead may have been used in structures. Exposure to lead from the presence of flaking, chalking, chipping lead paint or lead paint dust from friction surfaces, or from the disturbance of intact surfaces containing lead paint through unsafe renovation, repair or painting practices, or from soils in close proximity to the building, can present a serious health hazard, especially to young children and pregnant women. Lead may also be present in drinking water as a result of lead in service lines, plumbing and fixtures. Tests are available to determine whether lead is present in paint or drinking water."

I-a. In the notice required in paragraph I, the paragraph headers "contaminants in well water," "radon," "PFAS," and "lead" shall be printed in bold font or all uppercase letters.

II. Nothing in this section shall be construed to have any impact on the legal validity of title transferred pursuant to a purchase and sale contract in paragraph I, or to create or place any liability with the seller or seller's agent for failure to provide the notification described in paragraph

3 Effective Date. This act shall take effect 60 days after its passage.