

Amendment to HB 667-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to testing private wells.
4

5 Amend the bill by replacing all after the enacting clause with the following:
6

7 1 New Section; Well Testing. Amend RSA 482-B by inserting after section 18 the following new
8 section:

9 482-B:19 Well Testing.

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

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

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

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

- 19 (a) Arsenic
- 20 (b) Bacteria
- 21 (c) Chloride
- 22 (d) Copper
- 23 (e) Fluoride
- 24 (f) Hardness
- 25 (g) Iron
- 26 (h) Lead
- 27 (i) Manganese
- 28 (j) Nitrate
- 29 (k) Nitrite
- 30 (l) pH
- 31 (m) Sodium
- 32 (n) Uranium, and

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(o) Radon.

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; ***Contaminants in Well Water***, Radon, ~~[Arsenic;]~~ 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 (NHDES) 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 NHDES' "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."]~~

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

8 ***I-a. In the notice required in paragraph I, the paragraph headers "contaminants***
9 ***common in well water," "radon," and "lead" shall be printed in bold font or all capitals.***

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

14 3 Effective Date. This act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill requires that installers of new well pumps to test the well 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 purchase.