



Riverkeeper's 2021 Legislative Memorandum

Support - S48 (Holyman)

Enacts the "private well testing act"; authorizes the department of health to promulgate rules and regulations to establish standards for the testing of drinking water from privately owned wells upon the transfer of property.

Riverkeeper strongly supports the passage of S48, which would direct the Department of Health to promulgate regulations establishing standards to test water from private wells upon the transfer of property.

There are 1.1 million private wells in New York state, serving nearly four million residents. Currently, there are no statewide requirements for testing private well water for possible contaminants. Therefore, putting at risk millions of New Yorkers from emerging contaminants. Several counties currently require private well testing upon the transfer of property including Westchester¹ and Rockland.² While the Drinking Water Quality Council is currently tasked with developing educational materials regarding private well water testing, more needs to be done to require the testing of private wells and providing resources to address well contamination.

After a similar law was passed in New Jersey in 2001, it was discovered that 1 in 4 private drinking water wells was contaminated above state drinking water standards for certain contaminants.³ To provide all citizens in the state with information on the duality of their drinking water, water from private wells should also be subject to the same type of testing done regularly for public water supplies. If this information is provided upon the sale of property, new homeowners would be apprised of any contamination and be able to respond with installing necessary treatment before they began using this water as their potable water source.

This bill would require any contract for the sale of real property served by a private well include a provision on the condition of sale a requirement to test the well water to the standards created by the DEC. In addition, the bill would require DEC to make the test results available to counties, municipalities, or other governmental entities for the purposes of studying groundwater supplies or contamination within the state.

Riverkeeper strongly supports - S48 (Holyman)

¹ <https://health.westchestergov.com/images/stories/pdfs/PrivateWellWaterTestLaw.pdf>

² <https://www.ecode360.com/print/RO1021?guid=9669882&children=true>

³ https://www.nj.gov/dep/pwta/pwta_report_final.pdf