

May 15, 2006

H 2012. PROTECT PRIVATE DRINKING WATER WELLS. Filed 5/15/06. *TO PROTECT PUBLIC HEALTH AND WATER QUALITY FOR RESIDENTS OF THE STATE THAT RECEIVE DRINKING WATER FROM PRIVATE WELLS BY REQUIRING TESTING OF CERTAIN WATER QUALITY PARAMETERS PRIOR TO THE TRANSFER, LEASE, OR RENTAL OF PROPERTY SERVED BY A PRIVATE WELL; TO REQUIRE NOTIFICATION OF GROUNDWATER CONTAMINATION TO WELL OWNERS AND WELL USERS THAT LIVE OR WORK NEAR A CONTAMINATED WELL; TO ESTABLISH A GROUNDWATER CONTAMINATION DATABASE; TO ESTABLISH AN EMERGENCY DRINKING WATER FUND; AND TO APPROPRIATE FUNDS.* To be summarized in tomorrow's *Daily Bulletin*.

Intro. by B. Allen.

GS 130A, APPROP

May 16, 2006

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Water tests before property sale or lease. Adds new Article 10A ("Private Drinking Water Wells") to GS Chapter 130A. (1) Provides that real property to which water is supplied from a private well for human consumption may not be transferred unless a test for bacteria, nitrates, heavy metals, and volatile organic compounds has been conducted within the previous six months. (2) At the closing, both the owner and the purchaser must certify that they have received and reviewed the results of the most recent test. (3) Does not apply to certain specified transfers: court-ordered transfers; transfers for indebtedness under a mortgage or deed of trust; transfers by a fiduciary in an estate, trust, guardianship, or conservator administration; transfers solely among co-owners; transfers between spouses or within the lineal line; transfers made by failure to pay taxes; transfers to or from the State or any political subdivision. (4) The owner of real property to which water is supplied from a private well for human consumption who leases the property must test the well at least once every three years and provide a copy of the results to the tenant within 30 days of the test. Must also provide a copy of the most recent test to a new lessee prior to the signing of the rental agreement. (5) Directs the Department of Environment and Natural Resources (DENR) to establish criteria for the tests, develop a standard report form for test results, certify laboratories to conduct the tests, and establish the Emergency Drinking Water Fund.

Emergency Drinking Water Fund. Creates nonreverting, interest bearing fund consisting of appropriations by the General Assembly and investment income, under the control of DENR. To be used to pay, on the basis of financial need and risk to the public health, to provide alternative drinking water supplies for parties affected by groundwater contamination on a temporary or permanent basis.

Groundwater Quality Database. Adds new Part 11 ("Groundwater Quality Database") to Article 21 of GS Chapter 143 directing DENR to establish a database and permit access to state agencies, local governments, and the general public. Directs DENR to give notice of water test results that it receives that do not meet standards to the local health department, owners of real property served by any other private well within a 1,500-foot radius, and well users who occupy a dwelling or work at a business within a 1,500-foot radius. Directs DENR to report annually to the Environmental Review Commission on the status of groundwater quality in the state. Directs DENR to evaluate all programs in the state to determine which may provide information that should be included in the database.

Appropriations. Appropriates \$1 million for fiscal 2006-07 from General Fund to the Emergency Drinking Water Fund created by the bill, and appropriates \$286,000 from General fund to DENR to implement provisions of the bill.

Bill's substantive provisions are effective January 1, 2007. Appropriations are effective July 1, 2006.

Intro. by B. Allen.

GS 130A, APPROP, STUDY