

May 9, 2007

**H 4043. PROTECT PRIVATE DRINKING WATER RESOURCES.** Filed 5/9/07. *TO PROTECT PUBLIC HEALTH AND WATER QUALITY FOR RESIDENTS OF THE STATE WHO RECEIVE DRINKING WATER FROM PRIVATE WELLS OR IMPROVED SPRINGS.*

Amends GS 87-98 to rename the Emergency Drinking Water Fund as the Bernard Allen Memorial Emergency Drinking Water Fund and to provide that the fund is under the control and direction of (was, established within) the Department of Environment and Natural Resources (DENR). Makes the fund a non-reverting, interest-bearing fund. Allows the fund to be used to pay for testing of and notifying owners of improved springs in addition to private drinking water wells. Provides that funds may cover the costs of testing done by DENR (was, the costs of testing). The fund may be used to pay for testing for suspected contamination up to once every three years at the request of the person who uses the well, and for providing alternative drinking water supplies to individuals whose drinking water well or improved spring is contaminated. Also places limitations on how the fund may be used in supplying alternative drinking water sources, including prohibitions based on income and contaminant levels. Establishes a preference for using funds to create a permanent solution to the contamination over providing temporary water supplies. Requires DENR to consult with the Commission for Health Services and local health departments and report annually by October 1, beginning in 2008, to several legislative commissions, committees, and divisions. Appropriates from the General Fund to the Bernard Allen Memorial Emergency Drinking Water Fund \$2 million for each year of the 2007-09 biennium. States that the General Assembly's intent is that this appropriation be recurring. Effective when the act becomes law, except the appropriation is effective July 1, 2007.

Adds new Article 10A in GS Chapter 130A to require testing by a certified laboratory of private drinking water wells or improved springs for human consumption in the circumstances specified in the new article. Provides in new GS 130A-330.5 that no person may transfer real property to which water is supplied by a drinking water well or improved spring for human consumption unless a water test has been conducted in accordance with the new article within six months before the transfer; that a closing may not occur on the transfer of the real property unless both the owner and purchaser have received a copy of the results of the most recent water test; and that the lessor of any rental or leased property to which water is supplied by a drinking water well or improved spring for human consumption must conduct a test in accordance with the new article at least once every three years, must provide a copy of the results of the most recent test to tenants within 30 days after receipt of the results, and must provide a copy of the results of the most recent test to a new lessee before signing a rental or lease agreement. Provides in new GS 130A-330.4 that the Commission for Health Services must establish criteria and procedures for required water tests, including required tests for certain contaminants, that water tests must be completed by a certified laboratory, that the Commission must develop a standard reporting form for water test results, and that laboratories must submit water test results within 15 days after completion to the property owner, DHHS, and the State Health Director. Excludes certain real property transfers under new GS 130A-330.3. Testing requirements in new GS 130A-330.5 are effective January 1, 2008, and remainder of provisions of new article are effective when act becomes law.

Adds new Part 11, Groundwater Quality Database, to Article 21 of GS Chapter 143 directing DENR to establish a publicly accessible groundwater quality database for the results of groundwater quality monitoring conducted under Articles 9, 10, and new 10A of GS Chapter 130A and Articles 21 and 21A of GS Chapter 143. Sets forth in new GS 143-215.74J the duties of DENR in establishing and maintaining the database and requires in new GS 143-215.74K that if a water test indicates an exceedance of groundwater or drinking water standards, DENR must give notice of the exceedance within 15 business days of receipt of the water test results to the local health department serving the county in which the well or improved spring is located, owners of real property served by other wells or improved springs within 1,500 feet of the affected well or spring, and well users of a dwelling or business within 1,500 feet of the affected well or spring. Also requires in GS 143-215.74K that the NC Environmental Management Commission, in consultation with the State Health Director, establish criteria and procedures for the required notifications, including notifications in English and Spanish. Provides in new GS 143-215.74L that DENR must report by October 1 of each year, beginning in 2008, to the Environmental Review

Commission on groundwater quality and related issues. Appropriates from the General Fund to DENR \$400,000 for each year of the 2007-09 biennium to implement the groundwater quality database provisions. States that the General Assembly's intent is that this appropriation be recurring. Directs that these funds be used to hire one additional staff member in each of the seven regional DENR offices and up to three staff members in the central DENR office to establish and maintain the database. Effective July 1, 2007.

Provides that the act does not limit or preempt the authority of local health departments and boards of health to inspect or test private wells and that the act does not modify the liability of any person responsible for exceedance of groundwater or drinking water standards.

**Intro. by Harrison, Coleman, Blue.**

GS 87, 130A, 143, APPROP