

April 9, 2009

H 1442. PROTECT PRIVATE DRINKING WELL USERS' HEALTH. Filed 4/4/09. *TO PROTECT PUBLIC HEALTH AND WATER QUALITY FOR RESIDENTS OF THE STATE WHO RECEIVE DRINKING WATER FROM PRIVATE DRINKING WATER WELLS OR IMPROVED SPRINGS.*

Amends GS Chapter 130A by adding new Article 10A, entitled Protection of Private Drinking Water Wells and Improved Springs, which applies to all transfers of real property in the state unless the transfer occurs under one of the limited exceptions set forth in new GS 130A-330.3. New GS 130A-330.5 requires that a water test be conducted on any private drinking water well or improved spring that supplies water for human consumption within six months before the real property on which it is located is transferred and the purchaser has received and reviewed a copy of the results. In addition, the lessor of any rental or leased property to which water is supplied from a private drinking water well or improved spring must conduct a water test at least once every three years and provide a copy of the results to the tenant within 30 days or to any new lessee before the signing of a rental or lease agreement. New GS 130A-330.4 directs the Environmental Management Commission to establish criteria and procedures to conduct tests to determine whether water from private drinking water wells and improved springs complies with drinking water rules and specifies that the criteria procedures are to include an analysis for bacteria, nitrates, heavy metals, volatile organic compounds where potential sources of these contaminants are present, radon, and radium-222 and radium-226. Water tests conducted pursuant to new Article 10A are to be done by a certified laboratory.

Article 21 of GS Chapter 143 is also amended by adding a new Part 12 establishing a Groundwater Quality Database. New GS 143-215.74P, created in new Part 12, directs the Department of Environment and Natural Resources (Department) to establish a Groundwater Quality Database as a resource center and repository for the results of groundwater quality monitoring conducted and submitted pursuant to various programs administered by the Department pursuant to the General Statutes. The Department is to collect, maintain, and make available the information contained in the Database in a manner that is accessible to state agencies, local governments, and the general public, assess the quality and reliability of the data and organize the Database in a usable format including geographic information sufficient to map the groundwater resources of the state and to map areas in which groundwater contamination exceeds groundwater standards. New GS 143-215.74Q requires the Department to notify all residents who reside within a 1500-foot radius of the known boundaries of each groundwater contamination site or incident identified in the Database and to offer well users notified of a contamination or incident free water tests. New GS 143-215.74R directs the Department to develop a program to provide grants, up to \$20,000 to each local well program for any calendar year, to cover the costs of notification and water tests of water provided from private drinking water wells in the vicinity of known groundwater contaminations using specified criteria set forth in the statute. New GS 143-215.74S directs the Department to report on the status of groundwater quality in the state annually to the Environmental Review Commission with the first report due by October 1, 2010. Also amends GS 87-97(a), which directs counties to implement mandatory local well programs by providing that local well programs may provide notification and free water testing under new GS-215.74R.

Appropriates \$250,000 for 2009-10 and \$250,000 for 2010-11 from the General Fund to the Department of Environment and Natural Resources, Division of Environmental Health, to be allocated as specified to implement the act. Section 5.(b) of the act sets forth the intention of the General Assembly that this appropriation be recurring. New GS 143-215.74P, 143-215.74Q, 143-215.74R, 143-215.74S, the amendment of GS 87-97 and the appropriations to implement the act become effective July 1, 2009. New GS 130A-330.5 becomes effective January 1, 2010. The remainder of the act becomes effective when the act becomes law.

Intro. by Harrison.

GS 130A, 143, 87, APPROP.