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ENVIRONMENTAL PROTECTION

WATER RESOURCES MANAGEMENT

Notice of Readoption

Private Well Testing Act Rules

Readoption: N.J.A.C. 7:9E

Authority: N.J.S.A. 58:12A-26 et seq.

Authorized By: Bob Martin, Commissioner, Department of Environmental Protection.

Effective Date: January 23, 2015.

New Expiration Date: January 23, 2022.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the Private Well Testing Act Rules at N.J.A.C. 7:9E are readopted and shall continue in effect for a seven-year period. The rules had been scheduled to expire on February 22, 2015. The Department of Environmental Protection (Department) has reviewed these rules and has determined that the rules should be readopted because they are necessary, reasonable and proper for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1.c(1), timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

The Private Well Testing Act Rules implement the Private Well Testing Act, N.J.S.A. 58:12A-26 et seq. (Act). The rules apply to buyers, sellers, and lessors of certain real property, and establish the requirements for the sampling of individual private wells to ensure that purchasers and lessees of properties served by private potable wells are made aware of the quality of the untreated drinking water sources prior to sale or lease. Under the rules, all contracts of sale for any real property for which the source of potable water is a private well located on the property, or for any other real property whose potable water comes from a well

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that has less than 15 service connections or that does not regularly serve an average of at least 25 individuals daily at least 60 days out of the year, must require the testing of that water supply for certain parameters. In addition, the lessor of any real property the potable water supply for which is a private well for which testing of the water is not required pursuant to any other State law, must test that water supply for certain parameters at least once every five years and, within 30 days after receipt of the test results, provide a written copy of the results to each rental unit and each new lessee.

The rules codify the Private Well Testing Act's list of parameters for which a laboratory must test the well water (bacteria, nitrates, iron, manganese, pH, volatile organic compounds for which contaminant levels have been established pursuant to the Safe Drinking Water Act, lead, and radium), and also require testing for mercury in wells in southern and central New Jersey counties and arsenic in some northern counties. The rules provide a procedure for the laboratory to submit data to the Department, and a procedure for the Department to provide notice to local health agencies if any parameter is shown to be above the specified level. The local health agency is authorized to provide notice of the failed parameters to property owners in the vicinity of the well that was tested.