

# The Ground Water Sentinel

Passaic Valley Ground Water Protection Committee ~ Volume II, Issue 1 - December 2002

## NJ Law—Real Estate Sales Now Require Private Well Testing

In September, New Jersey became the first state to require thorough testing of privately owned water supply wells prior to the sale of real estate.

Prompted by the realization that ground water quality is contaminated throughout the state, and that residents have the right to know what their risks are, acting Gov. Donald T. DiFrancesco signed the Private Well Testing Act into law last year.

In effect since September 14, 2002, the new regulations require homeowners with private wells to have their drinking water tested for certain contaminants, and to disclose the results to the prospective buyer. Both seller and buyer must certify in writing that the tests were performed and that the results were shared with both parties.

Test results will also go to the Department of Environmental Protection, which will then notify county and local health departments if the water quality is deemed unsafe.

Water testing, which must be done by a state-certified laboratory, will cost anywhere between \$450 and \$650. In Morris, Somerset, Essex and Union counties, testing is required for total coliform (bacteria), nitrate, iron, manganese, pH, volatile organic compounds, lead, and arsenic.

If any coliform bacteria are found, then an additional test for fecal coliform must be performed. Fecal coliform is introduced into ground water supplies mainly as the consequence of improperly maintained septic systems.

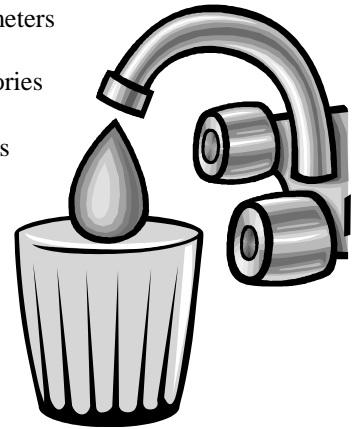
It is estimated that 20,000 to 30,000 real estate transactions per year will have to comply with the new regulations. Roughly one million people, about 12 percent of New Jersey residents, are served by 390,000 private wells throughout the state.

“This pioneering law will result in critical water quality information being provided to residents statewide with private wells,” said Department of Environmental Protection Commissioner Bradley M. Campbell. “Raising awareness about the importance of regularly testing private wells is an important step towards ensuring a safe drinking water supply for all New Jersey residents.”

Data on the quality of the state’s ground water will not only be gleaned from testing prior to real estate transactions but will also be coming from landlords, who will be required to test private wells and disclose the results to their tenants beginning on March 14, 2004.

The DEP web page, [www.state.nj.us/dep/pwta](http://www.state.nj.us/dep/pwta), provides links to various public resources:

- Frequently Asked Questions
- List of Required Parameters for Private Well Testing
- List of Certified Laboratories
- Private Well Testing Act
- Drinking Water Standards
- Additional Resources Addressing Drinking Water Topics
- Directory of Local Health Departments in New Jersey
- NJDEP Private Well Testing Act Rules
- Rule Adoption and Responses to Comments on Rules



There is also a toll-free hotline, 1-866-4PW-TEST (1-866-479-8378), for answering questions the public may have about the new testing requirements.

### Protecting Your Private Well Water Supply

Follow these “good housekeeping” guidelines to protect your private well drinking water supply from pollution:

1. Inspect and maintain your septic system
2. Inspect and maintain underground storage tanks
3. Eliminate and manage Potential Pollutant Sources
4. Inspect and maintain your well
5. Test water quality

For more information follow these links:

**New Jersey Department of Environmental Protection ~**

**Division of Water Quality** [www.state.nj.us/dep/dwq](http://www.state.nj.us/dep/dwq)

- *A Homeowner’s Manual for Septic Systems*

**Rutgers Cooperative Extension** [www.rce.rutgers.edu](http://www.rce.rutgers.edu)

- *Essentials of Using and Maintaining Your Septic Tank...*

**New Jersey Department of Health and Senior Services**

[www.state.nj.us/health/eoh](http://www.state.nj.us/health/eoh)

- *Facts: Private Well Testing*

**NJ Home\*A\*Syst** [www.nj.nrcs.usda.gov/urban/homeasyst](http://www.nj.nrcs.usda.gov/urban/homeasyst)

- *Managing Hazardous Household Products*
- *Site Assessment: Protecting Water Quality Around Your Home*
- *Drinking Well Water Management*

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## Questions and Answers on the Model Well Head Protection Ordinance

### ➔ **Is the well water in this town safe to drink?**

The Well Head Protection Ordinance is intended to prevent public well contamination problems from arising in the future. This does not imply that your public well water is now unsafe to drink, but unless adequate measures are taken now, it may not remain safe forever. Public supply drinking water is tested and monitored on a regular basis. State law requires your town to send every property owner in the water supply system an annual water quality report. Read your report to learn more about the quality of water you are now drinking.



### ➔ **If we don't adopt the Ordinance, will wells have to be closed down?**

Several wells in the Passaic River Basin have already been closed in recent years because of excessive quantities of contaminants, including one well in Mountain Lakes and several in Fairfield. Whether and when other wells will close can't be predicted, but the more the land surrounding wells is protected from contamination, the fewer closings there will be.

### ➔ **How does the Ordinance protect private wells?**

Many property owners in the Passaic River Basin draw water from their own private wells. The focus of the Well Head Protection Ordinance is on public supply wells, however, because these serve the largest number of users. For that reason the Well Head Protection Areas regulated in the Ordinance are drawn only around public wells. Nevertheless, all wells, public or private, take their water from interconnected underground sources. Measures that protect public wells will also help to protect private wells in the same vicinity.

### ➔ **Will the Ordinance involve land use regulation that is in addition to existing zoning laws?**

Yes. There will be up to three types of Well Head Protection Areas within a town, Tier 1, Tier 2 and Tier 3, in order of decreasing restriction. All other land is unrestricted. Properties in Well Head Protection Areas will be required to comply with the Well Head Protection Ordinance in addition to any applicable land use restrictions in zoning ordinances.

### ➔ **How will I find out whether my property is in a Tier 1, 2 or 3 Area?**

Maps of the Well Head Protection Areas will be available to the public from the town government and at the public library.

### ➔ **Will any businesses in the town have to close down because of the Ordinance?**

The Ordinance does not affect any business unless it seeks either to begin or expand activities, or replace facilities, involving the handling of hazardous materials in a Well Head Protection Area. Current operations and facilities are "grandfathered."

### ➔ **What happens if a business in Tier 1, 2 or 3 wants to change its operations or expand?**

Depending on its location and whether its operations involve potential pollutants, the business may need to request permission to make changes. This may require it to submit a plan to town authorities specifically describing its new or expanded operations and the methods it proposes to use to prevent the escape of pollutants.

### ➔ **Will the fact that my small business is located on a property in Tier 1, 2 or 3 affect me?**

Certain businesses, especially those that store, transport or use hazardous materials (including fuel oil in underground tanks), may be affected by the Ordinance. Gas stations, dry cleaners, automotive service centers, trucking centers, users of heavy industrial machinery and certain other industrial and commercial businesses are also among the types of businesses that are covered. Depending on the tier in which they are located, businesses of this kind may be prohibited from introducing new or expanded activities involving hazardous materials or may be required to adopt "best management practices," which can include installing structures that assure that hazardous materials don't seep into the ground.

### ➔ **How does the fact that my property is in a Tier 1, 2 or 3 Area affect me as a homeowner?**

Homeowners should benefit in the long term from the Ordinance's protection of drinking water supplies. Very little of the Well Head Protection Ordinance is likely to affect the ordinary activities of homeowners in residential areas. The restrictions of the Ordinance apply mainly to specific industrial or commercial activities that pose a risk of discharging hazardous materials. However, homeowners in the Tier 1 areas closest to wells may not be able to install new or replacement underground oil storage tanks. Homeowners in more distant Tier 2 and Tier 3 areas may be required to adopt "best management practices" to prevent spills if they wish to install or replace such tanks. Existing tanks are "grandfathered," but whether or not covered by the Ordinance, underground oil tanks pose a great danger of spills and leakage. Cleanup can be costly and is ordinarily not covered by homeowner's insurance. If you have an underground tank, have it checked and consider replacing it with an above ground tank.