

SUMMARY OF PRIVATE WELL WATER TESTING LAW

The Westchester County Private Well Water Testing Legislation, Local Law 7 of 2007, was duly adopted on May 23, 2007, and becomes effective November 19, 2007. A copy of the Local Law, including the Westchester County Health Department Rules & Regulations which supplement the Local Law, as well as additional information regarding the law, may be obtained on the Westchester County Department of Health's website at <http://www.westchestergov.com/health/>.

The Local Law applies to properties served by private wells used for drinking water, and requires that a water test be conducted upon the signing of a contract of sale for any property served by a private well. The law also requires such testing on a regular and ongoing basis for leased properties, and prior to the use of water from new wells or wells that have not been in use as a potable water supply for a period of five years.

All water tests conducted pursuant to this Local Law require a test for at least the following parameters: bacteria (total coliform); either fecal coliform or Escherichia coli (e-coli) if the sample tests positive for total bacteria; chloride; nitrate, pH, arsenic; iron; manganese; sodium; lead; all primary organic contaminants (POCs) included in Part 5 of the New York State Sanitary Code; vinyl chloride; methyl-tertiary-butyl-ether (MTBE); and any additional parameters required by Westchester County Department of Health rule and regulation.

Notably, only certified laboratories are authorized to conduct the water tests and only employees or authorized representatives of the laboratory are authorized to collect the water sample(s). The Local Law also establishes the location from, and the conditions under, which the water sample must be drawn.

In addition, the Local Law mandates that Certified Laboratories submit all required test results directly to the Department of Health as well as the person(s) who requested the test. Further, the law sets forth the procedural requirements placed on sellers, purchasers, lessors or owners, as appropriate, to remediate or correct the condition of a primary parameter water test failure to establish safe levels of contaminants. Finally, the law establishes civil penalties for non-compliance.

Certified Laboratories are required by the Rules and Regulations to submit electronically all sample results and other information required pursuant to the Local Law. Certified laboratories should contact Ms. Nancy Birnbaum of the Westchester County Department of Information Technology at nebl@westchestergov.com to answer any technical questions regarding electronic transmission of data. Please note that Ms. Birnbaum is only available to answer technical questions regarding electronic transmission of data.

Any additional questions regarding the Local Law or the Rules & Regulations, should be directed to the Westchester County Department of Health at 914-813-5000.