

Private Wells: What's in Your Drinking Water, and Who Knows About It?

Drinking Water Quality: Role of Law

The Health Threat: As natural disasters are on the rise, the one in eight Americans that rely on private wells need information about the safety of the water they drink and the threat that drought poses for their drinking water, particularly in combination with intermittent flooding, storms, and wildfires. Drought can cause lower water tables which may lead to increased concentration of pollutants in groundwater sources tapped by private wells. Sporadic rains and downpours during drought periods can worsen groundwater contamination as rainwater can channel pollution such as coal ash, animal waste, or fertilizers, into groundwater sources that feed private wells.

The Law: Because the federal Safe Drinking Water Act does not regulate water quality from private wells, it is largely state and local laws that establish programs to protect residents that rely on private well water. Most states set standards for well drilling, but few require water quality testing of private wells or set legal pathways to respond to contamination. Without information about well water quality, regulatory protections may be difficult to implement, and users may remain unprotected.

Recommendations

State policies around water quality sampling of private wells vary in both frequency and extent, if testing is required at all. States considering such policies could use this vital data to assess the type and extent of private well contamination and develop programs to protect private well owners and users from contamination. As states or localities consider adopting or strengthening private well sampling and protection programs, considerations may include:

- who must sample their well water quality;
- what triggers this sampling;
- which pollutants to test for,
- who the data will be used to protect – owners, renters, neighbors?
- privacy, or disclosure of the data;
- notification of affected parties/public of contamination;
- whether to develop a remediation program;
- are some areas/populations disproportionately affected?

Private Well Testing Requirements in Selected States

This chart summarizes the scope and extent of selected state laws and policies requiring water quality testing of private wells and how that data is made available.

		Connecticut	Maryland	New Jersey	North Carolina	Rhode Island
Private Well Testing Requirements	At Property Transfer		X (can waive)	X		X
	Rental Property		every 3 years	every 5 years		
	Other	can require if pollutant present in groundwater				
Parties to Whom Water Quality Data Must be Disclosed	Potential Purchaser		X	X		X
	Tenant		X	X	X	
	Gov't	X	X	X	X	X
	Notice of Contamination		Dep't of Envir. and local health dep't	county health dep't and nearby well owners	local health dep't and well owner	
Public Disclosure of Water Quality Data	Well Address				X	
	Aggregated Data		By county	County and city or region		Area of public health concern
	None	X				

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Protections for Residential Tenants

SUMMARY Few state laws require landlords to collect and report private well data to tenants. Without this data tenants might not be aware that their drinking water puts their health at risk. State laws that do require collection and reporting include:

Florida: Wells serving two plus rental residences and are not regulated under the Safe Drinking Water Act. must obtain an annual operating permit. Well owners must test for fecal contamination quarterly and lead and nitrate every 3 years. Notice of a standards exceedance must be provided in a language consumers understand, or via verbal notification or other actions if the consumer cannot read printed material. Well owners must correct the exceedance and provide fresh water (or a boil water notice for fecal contamination).

Maine: Landlords must test for arsenic in private wells every 5 years and provide results to tenants within 10 days.

Maryland: Landlords must test private wells every 3 years, disclose the results to the tenants, and notify tenants of the most recent water quality results when a lease is signed. Owners must provide potable water to the tenants and resolve contamination and exceedances by: remediating the contamination, providing an ongoing supply of potable water, or allowing the tenant to terminate the lease.

New Jersey: Lessors must test private wells for listed contaminants every five years and when new tenants lease the property - results must be provided to tenants within 30 days. For seasonal rentals, the lessor must post the results in the rental unit or provide written results to each new seasonal tenant.

CONCLUSION To keep tenants apprised of data impacting their health, states should consider requiring periodic testing and disclosure of private well water quality data.