

“Public notification” means general notice by the appropriate local health authority of well test failures to surrounding and/or neighboring owners of real property served by wells subject to this chapter, with recommendations to test for the parameters of concern to the owners of surrounding or neighboring properties served by wells.

“Recommended limit” means the optimum range of lower or upper limit for iron, manganese, and pH, in accordance with the New Jersey Safe Drinking Water Act rules at N.J.A.C. 7:10-7.

“Reporting laboratory” means the certified laboratory responsible for reporting the complete set of required information related to this chapter to the Department.

“Secondary parameter” means a drinking water contaminant regulated under this chapter for aesthetic purposes rather than health effects. Secondary parameter refers to pH, iron and manganese. Treatment for the removal or adjustment for these contaminants may be recommended when their reported levels exceed the recommended limits.

“Standard” means a water quality standard as defined in this section.

“Surface water” means water at or above the land’s surface, which is neither groundwater nor contained within the unsaturated zone, including, but not limited to, the ocean and its tributaries, all springs, streams, rivers, lakes, ponds, wetlands, and artificial water bodies, in accordance with the New Jersey Safe Drinking Water Act rules, N.J.A.C. 7:10.

“Water quality standard” or “drinking water quality standard” means a standard that applies to a contaminant that is required to be tested pursuant to the New Jersey Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq. and implementing rules at N.J.A.C. 7:10, that include maximum contaminant level, recommended limits, or an action level for lead analysis.

“Water test failure” means an exceedance of an applicable drinking water quality standard of a required test parameter under the Private Well Testing Act. This term includes all applicable maximum contaminant levels, recommended limits, or an action level for lead analysis.

“Water treatment system” means a device applied to the drinking water at a house or building for the purpose of reducing contaminants in the drinking water distributed in the house or building. Examples include point-of-entry devices and point-of-use devices, as defined in this section.

“Well” means a hole or excavation larger than four inches in diameter or a hole or excavation deeper than 10 feet in depth that is drilled, bored, cored, driven, jetted, dug, or otherwise constructed for the purpose of removal or emplacement of, or investigation of, or exploration for, fluids, water, oil, gas, minerals, soil, or rock, or for the installation of an elevator shaft, in accordance with rules governing well construction and maintenance at N.J.A.C. 7:9D.

“Well permit” means a written approval issued by the Department, pursuant to the well construction and maintenance rules, at N.J.A.C. 7:9D, to a licensed well driller which authorizes a licensed well driller of the proper class to construct a well or wells. A designated numeric reference is assigned by the Department to individual State well permits.

“Well record” means the form provided by the Department that depicts the construction details of a well, which is completed by the well driller subsequent to well permit issuance and well installation.

7:9E-1.3 Severability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications, and to this end, the provisions of this chapter are declared to be severable.

SUBCHAPTER 2. SAMPLING AND TESTING REQUIREMENTS

7:9E-2.1 Parameters for which testing is required

(a) Each water sample shall be analyzed for the following parameters:

1. Total coliform bacteria;
2. If the sample tests positive for total coliform bacteria, the sample shall be analyzed for either fecal coliform or *Escherichia coli*, in accordance with N.J.A.C. 7:18-4.6;
3. Nitrate;
4. Iron;
5. Manganese;
6. pH;
7. All volatile organic compounds for which maximum contaminant levels (MCLs) have been established under the Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq., and implementing rules, N.J.A.C. 7:10; and
8. Lead.

(b) In addition to the parameters listed at (a) above, water samples collected from Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Monmouth, Ocean, and Salem County locations shall be analyzed for mercury.

(c) In addition to the parameters listed at (a) above, water samples collected from Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Morris, Passaic, Somerset, Sussex, Union, and Warren County locations shall be analyzed for arsenic.

(d) In addition to the parameters listed at (a) above, water samples collected from Atlantic, Burlington, Camden, Cape

May, Cumberland, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, and Salem County locations shall be tested for gross alpha particle activity.

1. For Cumberland and Gloucester counties, testing for this parameter shall be required as of (a date that is 180 days after the effective date of the rule establishing a 48-hour rapid gross alpha test at N.J.A.C. 7:18).

2. For Atlantic, Burlington, Camden, and Salem counties, testing for this parameter shall be required as of (a date that is one year after the effective date of the rule establishing a 48-hour rapid gross alpha test, N.J.A.C. 7:18).

3. For Cape May, Hunterdon, Mercer, Middlesex, Monmouth, and Ocean counties, testing for this parameter shall be required as of (a date that is 18 months after the effective date of the rule establishing a 48-hour rapid gross alpha test, N.J.A.C. 7:18).

Public Notice: Sufficient number of laboratories certified to perform short-term 48-hour Rapid Gross Alpha Test.

See: 35 N.J.R. 3720(b).

Public Notice: Sufficient number of laboratories certified to perform short-term 48-hour Rapid Gross Alpha Test.

See: 39 N.J.R. 3789(a).

Amended by R.2008 d.64, effective March 17, 2008.

See: 39 N.J.R. 4021(a), 40 N.J.R. 1635(a).

In (c), substituted "Sussex, Union, and Warren County" for "and Union County".

Public Notice: Sufficient number of laboratories certified to perform short-term 48-hour Rapid Gross Alpha Test.

See: 40 N.J.R. 5293(a).

Public Notice: Sufficient number of laboratories certified to perform short-term 48-hour Rapid Gross Alpha Test.

See: 41 N.J.R. 2505(a).

7:9E-2.2 Collection requirements

(a) Water samples subject to this chapter shall be collected by either a New Jersey certified laboratory or the laboratory's authorized representative, as defined at N.J.A.C. 7:9E-1.2. The sample collector who analyzes for pH shall be an employee of a certified environmental laboratory, as defined at N.J.A.C. 7:18-1.7, which is certified to analyze for pH in accordance with the Regulations Governing the Certification of Laboratories and Environmental Measurements, N.J.A.C. 7:18.

(b) Water samples shall be collected and preserved in accordance with the Regulations Governing the Certification of Laboratories and Environmental Measurements, N.J.A.C. 7:18, and in accordance with the additional requirements set forth at N.J.A.C. 7:9E-2.3.

7:9E-2.3 Sample location

(a) Water sampling locations for compliance with this chapter shall be as follows:

1. If there is no water treatment system, as defined at N.J.A.C. 7:9E-1.2, in use on the subject property, samples shall be collected from a primary cold water, non-aerated spigot or tap that draws from, or feeds water to, the potable water system of the subject property.

2. Where a water treatment system is in use on the subject property, the sample shall be collected as follows:

i. The water treatment system shall be disconnected or otherwise disabled prior to the collection of the water sample; or

ii. The sample shall be collected at a location prior to the water treatment system.

(b) In the case of new well construction and installation where there is no spigot or tap on the subject property, the sample may be collected directly at the well head (raw water sample) as set forth in the Safe Drinking Water Act rules at N.J.A.C. 7:10-12.30.

(c) In addition to the requirements set forth at (a) and (b) above, before a water sample for lead analysis under this chapter is collected, water shall be flushed through the plumbing system for at least two minutes (until the water changes temperature), in accordance with N.J.A.C. 7:18.

7:9E-2.4 Testing requirements

All water samples collected under this chapter shall be analyzed by a laboratory certified for those parameters subject to this chapter, using Safe Drinking Water Methods as set forth in the Regulations Governing the Certification of Laboratories and Environmental Measurements, N.J.A.C. 7:18, and in accordance with this chapter.

SUBCHAPTER 3. REPORTING AND DATA VALIDITY

7:9E-3.1 Reporting requirements for laboratories

(a) The reporting laboratory shall, subject to (c) below, within five business days after completion of analyses of water samples:

1. Provide the following information to the person(s) who requested the test. The information shall be provided on the Department's "Private Well Water Test Reporting Form", which is available by logging on to the Department's website at www.state.nj.us/dep/pwta; or by contacting the Department's Hotline for Private Well Testing Act Program Hotline. The form shall include the following information:

i. The name, telephone number and mailing address of person(s) who requested the test;

ii. The name of the laboratory employee or name of authorized representative(s) of the laboratory who collected the water sample;

iii. The analytical method used for each parameter tested pursuant to this chapter;

iv. The analytical results for each parameter tested pursuant to this chapter.