

CHAPTER 9E
PRIVATE WELL TESTING ACT RULES

Authority

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

Source and Effective Date

R.2008 d.64, effective February 22, 2008.
See: 39 N.J.R. 4021(a), 40 N.J.R. 1635(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 9E, Private Well Testing Act Rules, expires on February 22, 2015. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 9E, Private Well Testing Act Rules, was adopted as R.2002 d.315, effective September 16, 2002. See: 34 N.J.R. 1606(a), 34 N.J.R. 3236(a).

Chapter 9E, Private Well Testing Act Rules, was readopted as R.2008 d.64, effective February 22, 2008. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 7:9E-1.1 Scope and authority
- 7:9E-1.2 Definitions
- 7:9E-1.3 Severability

SUBCHAPTER 2. SAMPLING AND TESTING REQUIREMENTS

- 7:9E-2.1 Parameters for which testing is required
- 7:9E-2.2 Collection requirements
- 7:9E-2.3 Sample location
- 7:9E-2.4 Testing requirements

SUBCHAPTER 3. REPORTING AND DATA VALIDITY

- 7:9E-3.1 Reporting requirements for laboratories
- 7:9E-3.2 Electronic data submittal
- 7:9E-3.3 Data validity for sale of subject property

SUBCHAPTER 4. NOTIFICATION PROCESS

- 7:9E-4.1 Notification by laboratories and the Department
- 7:9E-4.2 Public notification by local health authorities

SUBCHAPTER 5. CONFIDENTIALITY OF INFORMATION SUBMITTED PURSUANT TO THIS CHAPTER

- 7:9E-5.1 General requirements

SUBCHAPTER 1. GENERAL PROVISIONS

7:9E-1.1 Scope and authority

(a) This chapter governs activities conducted by laboratories certified under the Department's Regulations Governing the Certification of Laboratories and Environmental Measurements, N.J.A.C. 7:18, for compliance with the Pri-

ivate Well Testing Act. Specifically, the chapter establishes water test parameters and requirements for the collection, analysis, and submittal of test results and establishes procedures and requirements for maintaining the confidentiality of any information submitted to the Department or other government agencies pursuant to the Private Well Testing Act and this chapter.

(b) This chapter shall not be construed to limit or preempt the authority of a county, county health department, health agency, or a designated health officer from making or causing to made such inspection and testing of a water supply as may be necessary to ensure the health and safety of the residents of New Jersey.

Law Review and Journal Commentaries

Implementing the Private Well Testing Act. Lewis Goldshore and Marsha Wolf, 169 N.J.L.J. 85 (2002).

7:9E-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

“48-hour rapid gross alpha test” or “short term 48-hour gross alpha test” means a test performed in accordance with N.J.A.C. 7:18, within 48 hours from sample collection, in order to measure the presence of alpha-emitting radionuclides in the sample, including the short-lived alpha emitters such as radium-224.

“Act” means the Private Well Testing Act, P.L. 2001, c.40, N.J.S.A. 58:12A-26 et seq., which applies to buyers, sellers and lessors of certain real property as follows:

1. All contracts of sale for any real property the potable water supply for which is a private well located on the property, or for any other real property the potable water supply for which is a well 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, shall include a provision requiring, as a condition of the sale, the testing of that water supply for certain parameters as set forth in this chapter.

2. 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, shall test that water supply for certain parameters as set forth in this chapter 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.

“Action level” means the concentration of lead in drinking water which determines, in some cases, the need for treatment or remedial action, in accordance with N.J.A.C. 7:10-5.1.

“Acute parameter” means a contaminant in drinking water that has significant potential to have serious adverse effects

on human health as a result of short-term exposure. For purposes of this chapter, “acute parameter” means coliform and nitrate.

“Analyze-immediately parameter” means a parameter for which analysis must be performed within 15 minutes after the sample is collected, in accordance with N.J.A.C. 7:18. Examples of analyze-immediately parameters include chlorine dioxide, dissolved oxygen with probe, pH, ozone, residual chlorine, sulfite, and temperature.

“Authorized representative” means a person other than an employee of a New Jersey certified laboratory from which a New Jersey certified laboratory accepts a drinking water well sample(s) and also accepts responsibility for such a sample(s) in accordance with the requirements of N.J.A.C. 7:18-9.1(c).

“Certified laboratory” or a “certified environmental laboratory” means any laboratory, facility, consulting firm, government or private agency, business entity or other person that the Department has authorized pursuant to the Regulations Governing the Certification of Laboratories and Environmental Measurements, N.J.A.C. 7:18, to perform analysis in accordance with the procedures of a given analytical method using a particular technique as set forth in a certain methods reference document, and to report the results from the analysis of environmental samples in compliance with a Department regulatory program.

“Certified environmental laboratory sample identification number” means a unique reference number assigned to individual samples by the laboratory for identification purposes.

“Contaminant” means a specific analyte or group of analytes that are included in the general term “parameter” defined in this section.

“Department” means the New Jersey Department of Environmental Protection.

“Dwelling unit” means any building or portion of a building, permanent or temporary in nature, used or proposed to be used as a residence either seasonally or throughout the year.

“Exceedance” means the concentration of a contaminant that is greater than an MCL, action level, standard or recommended upper limit for that given contaminant.

“Global Positioning System (GPS) location” means a specific geographic location as determined by satellite radio signals. All GPS data coordinate locations must be collected and reported in accordance with Department standards for GPS data, N.J.A.C. 7:1D, Appendix A.

“Gross alpha particle activity” means the total radioactivity due to alpha particle emission as inferred from measurements set forth in N.J.A.C. 7:18, on a processed sample.

“Local health authority” means a county, regional or municipal health agency that serves as the lead point of contact with the Department on environmental issues. This agency

would ordinarily be the local health agency certified pursuant to the County Environmental Health Act, (CEHA), N.J.S.A. 26:3A2-21 et seq. In those counties that do not have a certified CEHA health agency, the local health authority is the agency that serves as the lead for administering the Local Information Networks and Communication System (LINCS) as designated by the Department of Health and Senior Services.

“Maximum contaminant level” or “MCL” means the maximum permissible level of a contaminant in drinking water. Maximum contaminant levels shall apply to non-public water systems, in accordance with 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.

“Municipal code” means the four-digit numerical reference which identifies the location of a property within a given municipality.

“Parameter” means a general term that includes, but is not limited to, terms such as contaminant, constituent, substance, metal, organic chemical, and characteristics that are used to designate an analyte, group of analytes, attribute, or physical property for which a certified environmental laboratory may be approved to perform analysis of regulatory samples and report results.

“pH” means a numerical expression of the hydrogen ion concentration (acidity) of aqueous matrices. The range of pH values are from zero (high acidity-low alkalinity) to 7 (neutral), to 14 (low acidity-high alkalinity). pH is also known as a secondary parameter.

“Point-of-entry treatment device” means a water treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed to the entire house or building.

“Point-of-use treatment device” or “point-of-delivery treatment device” means a water treatment device applied to a single tap for the purpose of reducing contaminants in drinking water at that one tap.

“Potable water” means any water used, or intended to be used, for drinking and/or culinary purposes which is free from impurities in amounts sufficient to cause disease or harmful physiological effects, and complies with the bacteriological and chemical quality conforming to applicable standards the New Jersey Safe Drinking Water Act rules, N.J.A.C. 7:10.

“Private well” means a potable water well that serves a dwelling unit and is located on the same real property as the dwelling unit.

“Private Well Water Test Reporting Form” means the standardized form prescribed by the Department to be used by a certified laboratory to disseminate well test results to its client in order to determine compliance with this chapter.