

HOUSE No. 902

The Commonwealth of Massachusetts

PRESENTED BY:

Danillo A. Sena and Smitty Pignatelli

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act promoting drinking water quality for all.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>1/20/2023</i>
<i>Smitty Pignatelli</i>	<i>3rd Berkshire</i>	<i>8/23/2023</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>1/20/2023</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>1/23/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/26/2023</i>
<i>Kate Donaghue</i>	<i>19th Worcester</i>	<i>1/27/2023</i>
<i>John J. Cronin</i>	<i>Worcester and Middlesex</i>	<i>1/30/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/31/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>2/2/2023</i>
<i>Ruth B. Balse</i>	<i>12th Middlesex</i>	<i>2/2/2023</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/7/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>3/16/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>3/23/2023</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>4/10/2023</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>4/11/2023</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>4/11/2023</i>
<i>Meghan Kilcoyne</i>	<i>12th Worcester</i>	<i>4/18/2023</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>7/27/2023</i>

HOUSE No. 902

By Representatives Sena of Acton and Pignatelli of Lenox, a petition (accompanied by bill, House, No. 902) of Danillo A. Sena, Smitty Pignatelli and others relative to the quality of drinking water from private wells. Environment and Natural Resources.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act promoting drinking water quality for all.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 21G of the General Laws is hereby amended by inserting after
2 section 20 the following section:-

3 Section 21: Private Wells Drinking Water Quality

4 (a) As used in this section, the following words shall, unless the context otherwise
5 requires, have the following meanings:-

6 “Private well”, a well that provides water for human consumption and consists of a
7 system that has less than 15 service connections and either: (1) serves less than 25 individuals or
8 (2) serves an average of 25 or more individuals daily for less than 60 days of the year.

9 "Burden", the time, effort or financial resources expended by persons to generate,
10 maintain or provide information to or for a governmental agency, including the resources
11 expended for: reviewing instructions; acquiring, installing and utilizing technology and systems;

12 adjusting the existing ways to comply with any previously applicable instructions and
13 requirements; searching data sources; completing and reviewing the collection of information;
14 and transmitting or otherwise disclosing the information.

15 "Department", the department of environmental protection.

16 "Commissioner", the commissioner of the department of environmental protection.

17 (b) The commissioner shall issue regulations to be known as the minimum standards for
18 private wells. The code shall address matters affecting the environment and the well being of the
19 public of the commonwealth over which the department takes cognizance and responsibility
20 including, but not limited to, standards for private wells used for human consumption.

21 (c) A duly certified well driller registered in the commonwealth may construct or modify
22 a private well. The department may opt to not conduct an inspection of a private well if the
23 transfer is of residential real property, and is between the following relationships: (1) between
24 current spouses; (2) between parents and their children; (3) between full siblings; and (4) where
25 the grantor transfers the real property to be held in a revocable or irrevocable trust, where at least
26 one of the designated beneficiaries is of the first degree of relationship to the grantor.

27 (d) With regard to the enforcement of this section, including requirements related to
28 forms utilized by local boards of health, the commissioner shall evaluate practices, which would
29 minimize the paperwork burden for individuals, small businesses, contractors, state and local
30 governments and their agents, and strive to ensure the greatest possible public benefit from and
31 maximize the utility of information collected, created, maintained, used, shared and disseminated
32 by or for the purpose of the code and to reduce the number of copies required for official use.

33 Local boards of health shall enforce said code in the same manner in which local health rules and
34 regulations are enforced.

35 (e) The department and local boards of health shall have concurrent authority to enforce
36 said code against any violator. Actions to enforce said code may be brought in the superior court.

37 SECTION 2. Item 1231-1020 of section 72 of chapter 204 of the acts of 1996, as
38 amended by section 54 of chapter 365 the acts of 1996, is hereby further amended by inserting
39 after the word “called” the following words:- , and to assist homeowners with treatment systems
40 to ensure that drinking water from private wells meets primary standards for recommended
41 concentration limits of contaminants as specified by public drinking water standards issued by
42 the department of environmental protection and the standards required under section 21 of
43 chapter 21G; provided further, that the department of environmental protection shall determine
44 the requirements for loan guarantees and interest subsidies for an eligible project; provided
45 further, that the department of environmental protection may subcontract the administration of
46 this program to public authorities and other public instrumentalities of the commonwealth;
47 provided further, that the board of health of a city or town in which a proposed project shall be
48 undertaken, or the department of environmental protection shall determine if a homeowner’s
49 proposed project is an eligible private well remediation project as specified by public drinking
50 water standards issued by the department; provided further, that for purposes of this program, an
51 eligible project shall mean a project to construct a treatment system for a private well that a
52 board of health of a city or town or the department of environmental protection determines is out
53 of compliance with public drinking water standards issued by the department or a septic system
54 that a board of health of a city or town determines is out of compliance with Title V.