

HOUSE No. 4863

The Commonwealth of Massachusetts

PRESENTED BY:

Danillo A. Sena

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>12/29/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>12/29/2021</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>1/5/2022</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/6/2022</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>1/6/2022</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>1/6/2022</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/6/2022</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>1/6/2022</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>1/7/2022</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>1/10/2022</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>1/10/2022</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/13/2022</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>2/9/2022</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>3/2/2022</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>5/16/2022</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>6/6/2022</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>6/7/2022</i>

HOUSE No. 4863

By Mr. Sena of Acton, a petition (subject to Joint Rule 12) of Danilo A. Sena and others for legislation to further regulate private well water. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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 Chapter 21G of the General Laws is hereby amended by inserting after section 20
2 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 state private wells code.
18 The code shall address matters affecting the environment and the well being of the public of the
19 commonwealth over which the department takes cognizance and responsibility including, but not
20 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 private well inspectors or local boards of health, the commissioner shall
29 evaluate practices, which would minimize the paperwork burden for individuals, small
30 businesses, contractors, state and local governments and their agents, and strive to ensure the
31 greatest possible public benefit from and maximize the utility of information collected, created,
32 maintained, used, shared and disseminated by or for the purpose of the code and to reduce the
33 number of copies required for official use.

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

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