

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

James B. Eldridge

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 protecting drinking water quality in private wells..

PETITION OF:

NAME:

James B. Eldridge

DISTRICT/ADDRESS:

Middlesex and Worcester

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 482 OF 2023-2024.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act protecting drinking water quality in private wells..

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. Section 1 of chapter 21G, as appearing in the 2022 Official Edition, is
2 hereby amended by inserting after the definition of “Person” the following definitions:-

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

6 “Private well facility”, real property, including but not limited to abutting real property,
7 and any buildings thereon, which is served, is proposed to be served, or could in the future be
8 served, by a private well.

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

11 Section 21.

12 (a) The department shall promulgate regulations to be known as the minimum standards
13 for private wells, to address matters affecting the environment and the well-being of the public
14 over which the department takes cognizance and responsibility, including but not limited to,
15 testing of private wells.

16 (b) The minimum standards for private wells shall include:

17 (1) Drinking water quality standards for private wells, including but not limited to,
18 identifying all contaminants required to be tested, the acceptable level for each contaminant, and
19 the frequency at which such testing shall occur;

20 (2) Testing requirements for all listed contaminants for all new private wells prior to
21 being placed into service as a source of drinking water;

22 (3) Testing requirements for all listed contaminants for all private wells before the
23 transfer of residential property upon which they are located;

24 (c) A local board of health established under section 31 of chapter 111 may enforce this
25 section or set minimum standards exceeding the minimum private well standards issued by the
26 department under this section.

27 Section 22.

28 (a) Except as provided in subsection (b), a private well shall be inspected at or within 2
29 years prior to the time of transfer of title to the private well facility. A copy of the complete
30 inspection report shall be submitted to the buyer or other person acquiring title to the private well
31 facility.

32 (b) The following transactions shall not be considered transfers of title for the purposes of
33 this section:

34 (1) taking a security interest in a property, including but not limited to, the issuance of a
35 mortgage;

36 (2) refinancing a mortgage or similar instrument, whether or not the identity of the lender
37 remains the same;

38 (3) a change in the form of ownership among the same owners, such as placing the
39 facility within a family trust of which the owners are the beneficiaries, or changing the
40 proportionate interests among a group of owners or beneficiaries;

41 (4) adding or deleting a spouse as an owner or beneficiary; or a transfer between spouses
42 during life, out right or in trust; or the death of a spouse;

43 (5) the appointment of or a change in a guardian, conservator, or trustee.

44 (c) Failure to comply with this section shall not invalidate a transfer of title to a private
45 well facility.

46 SECTION 3. Item 1231-1020 of section 72 of chapter 204 of the acts of 1996, as
47 amended by section 54 of chapter 365 is hereby amended by inserting after the word “called” the
48 following words:- “and to assist to assist homeowners with treatment systems to ensure that
49 drinking water from private wells meets primary standards for recommended concentration
50 limits of contaminants as specified by public drinking water standards issued by the department
51 of environmental protection and the standards required under section 21 of chapter 21G;
52 provided further, that the department of environmental protection shall determine the

53 requirements for loan guarantees and interest subsidies for an eligible project; provided further,
54 that the department of environmental protection may subcontract the administration of this
55 program to public authorities and other public instrumentalities of the commonwealth; provided
56 further, that the board of health of a city or town in which a proposed project shall be undertaken,
57 or the department of environmental protection shall determine if a homeowner's proposed
58 project is an eligible private well remediation project as specified by public drinking water
59 standards issued by the department; provided further, that for purposes of this program, an
60 eligible project shall mean a project to construct a treatment system for a private well that a
61 board of health of a city or town or the department of environmental protection determines is out
62 of compliance with public drinking water standards issued by the department or a septic system
63 that a board of health of a city or town determines is out of compliance with Title V."