

## ARTICLE 28

### PRIVATE WATER SUPPLIES

#### **Section 28.1 STATEMENT AND SCOPE**

WHEREAS, Article 5 of the Dutchess County Sanitary code sets forth the performance standard and maximum contaminant parameters for public water supplies; and

WHEREAS, the Dutchess County Board of Health desires the Commissioner of Health to promulgate guidance for the testing and maintenance of private water supplies relative to the suitability of such supplies for human consumption; and

**WHEREAS**, the Dutchess County Board of Health believes that periodic testing of private water supplies is the best means of assuring the safety of private water supplies in the County of Dutchess where there has been experience with contamination of private wells; and

**WHEREAS**, the Dutchess County Board of Health recommends that all owners of private water supplies test their water at least every six years, or when concern develops, using New York State certified testing laboratories and testing for New York State Sanitary Code Part 5 parameters for public water supplies as modified and specifically targeted by the Dutchess County Commissioner of Health for the needs of Dutchess County 's private water supplies; and

**WHEREAS**, such list of applicable parameters or "Testing Recommendations for Private Water Supplies" shall be available at the Dutchess County Department of Health website ([www.dutchessny.gov/CountyGov/Departments/Health](http://www.dutchessny.gov/CountyGov/Departments/Health)); and

**WHEREAS**, if testing shows levels above specified parameters, the Dutchess County Department of Health is prepared to give advice on the significance of test results and information about remediation.

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THEREFORE, the Dutchess County Board of Health hereby amends and enacts the Dutchess County Sanitary Code as follows herein:

#### **Section 28.2 DEFINITIONS**

- A. The term “private water supply” shall mean any water supply utilized for the purposes of human consumption not identified as a public water supply by Article 5 of this Code or by Part 5 of the New York State Sanitary Code.
- B. The term “residential rental property” shall mean any “dwelling” or “dwelling unit” [as those terms are defined in Article 21 of this Code at Section 21.1(G) and 21.1(H)] which is occupied by other than an owner thereof and for use or occupation of which rent or consideration is periodically paid to the owner.
- C. The term “commercial building” shall mean any structure which is wholly or partially used or intended to be used for commercial purposes, including, but not limited to, office buildings, stores, markets, shops, malls, marinas, restaurants, clubs, gas stations, or car dealerships.

#### **Section 28.3 PERIODIC WELL TESTING AND MAXIMUM CONTAMINANT LEVELS**

- A. The Dutchess County Board of Health recommends that all wells situated in Dutchess County, which serve private water supplies, be tested on a periodic basis (at least every six years) in a manner determined by the Dutchess County Commissioner of Health.
- B. That the test parameters and associated maximum contaminant levels for private water supplies shall be New York State Sanitary Code Part 5 parameters for public water supplies as modified and specifically targeted

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by the Dutchess County Commissioner of Health for the needs of the County's private water supplies.

- C. The Dutchess County Commissioner of Health will make available to the public within Dutchess County, the private water supply test parameters and associated maximum contaminant levels.

### **Section 28.4 RESIDENTIAL RENTAL PROPERTY WELL PERMIT**

Within one year of the promulgation of this regulation and contingent upon the Dutchess County Legislature providing sufficient resources to enable the Dutchess County Health Department to provide for enforcement of this regulation, every owner of residential rental property with a private well in Dutchess County, which serves a residential rental property's water supply, shall be required to possess a valid residential rental property permit issued by the Dutchess County Commissioner of Health, or appointed designee. Private wells in operation as of July 1, 2006 shall be deemed to possess such permit, however, such grandfathered permits for existing wells shall not signify that such wells have been tested or are in compliance with current Health Department parameters and such permits shall expire July 1, 2007. Owners of residential rental property serviced by private wells put into operation subsequent to July 1, 2006 shall be required to apply for a valid residential rental property permit, which shall expire six years from issuance. The issuance of such permit shall be conditioned upon demonstration that the water supply has been tested for test parameters established by the Dutchess County Commissioner of Health within one year prior to issuance or renewal of permit. Water sample analysis shall be performed by a laboratory holding a valid New York State Department of Health approval for such test parameter. Water sample collection shall be conducted in a manner approved by the Dutchess County Commissioner of Health. In the event that test results of residential rental properties indicate that tenants' drinking water is not in compliance with current Health Department parameters, tenants shall be so notified in writing by Landlord. In addition, enforcement action may be taken by the Dutchess County Department of Health pursuant to Dutchess County Sanitary Code Article 4 to compel

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corrective action by Landlord. Corrective action may include, but is not limited to, requiring Landlord to install a filtration system to bring water quality into compliance and/or requiring Landlord to purchase satisfactory bottled water to be provided to tenants.

#### **Section 28.5 DWELLING WELL PERMIT REQUIREMENT: permit not transferable**

Within one year of the promulgation of this regulation and contingent upon the Dutchess County Legislature providing sufficient resources to enable the Dutchess County Health Department to provide for enforcement of this regulation, every owner of a private well in Dutchess County, which serves a private water supply, shall be required to possess a valid permit issued by the Dutchess County Commissioner of Health, or appointed designee. Private wells in operation as of July 1, 2006 shall be deemed to possess such permit, however, such grand-fathered permits for existing wells shall not signify that such wells have been tested or are in compliance with current Health Department parameters and such permits shall expire upon transfer of title to the real property on which the well is situated. Owners of new private wells put into operation subsequent to July 1, 2006 and of private wells whose permit has expired due to transfer of title shall be required to apply for a valid permit within thirty (30) days of the expiration of the permit. The issuance of such permit shall be conditioned upon demonstration that the water supply has been tested for test parameters established by the Dutchess County Commissioner of Health within one year prior to transfer of title. Water sample analysis shall be performed by a laboratory holding a valid New York State Department of Health approval for such test parameter. Water sample collection shall be conducted in a manner approved by the Dutchess County Commissioner of Health.

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#### **Section 28.6 WAIVER FROM TESTING FOR SPECIFIC PARAMETERS**

The Dutchess County Commissioner of Health may grant a waiver from testing for a specific test parameter or parameters established by this article, provided that prior to the granting of any such waiver the applicant shall establish that:

- (a) testing for a specific parameter or parameters is not necessary for the protection of the health of the consumers of the drinking water and that such testing would not be cost effective for the applicant; or
- (b) other factors which would render testing for a complete regimen of established parameters unreasonable.

#### **Section 28.7 WATER TEST RESULTS DATA**

The Dutchess County Commissioner of Health shall make available to the public, a general compilation of water test results data, arranged or identified by municipality, locations, or appropriate geographic areas. Such general compilation shall not include the names of specific property owners or their particular numerical street address, although street names in general and identification by tax map number shall be permissible.

#### **Section 28.8 COMMERCIAL BUILDING WELL PERMIT**

Please Note: Many commercial facilities already are required to conform to public water supply standards. This section does not apply to them.

Within one year of the promulgation of this regulation and contingent upon the Dutchess County Legislature providing sufficient resources to enable the Dutchess County Health Department to provide for enforcement of this regulation, every owner of a commercial building with a private well in Dutchess County, which serves a commercial building's water supply, shall be required to possess a valid commercial building well permit issued by the Dutchess County Commissioner of Health, or appointed designee. Private wells in operation as of November 1, 2006 shall be deemed to possess such permit, however, such grandfathered permits for existing wells shall not signify that such

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wells have been tested or are in compliance with current Health Department parameters and such permits shall expire November 1, 2007. Owners of commercial buildings serviced by private wells put into operation subsequent to November 1, 2006 shall be required to apply for a valid commercial building well permit, which shall expire six years from issuance. The issuance of such permit shall be conditioned upon demonstration that the water supply has been tested for test parameters established by the Dutchess County Commissioner of Health within one year prior to issuance or renewal of permit. Water sample analysis shall be performed by a laboratory holding a valid New York State Department of Health approval for such test parameter. Water sample collection shall be conducted in a manner approved by the Dutchess County Department of Health. Upon receipt of test results of a commercial building's water supply indicating that such drinking water is not in compliance with current Health Department maximum contaminant levels for private water supplies established by the Dutchess County Commissioner of Health (Section 28.3, B), the owner/operator of such commercial facility shall notify the Dutchess County Health Department of such results with 24 hours and will be responsible for any and all notification of occupants and consumers as directed by the Dutchess County Department of Health.

In addition, enforcement action may be taken by the Dutchess County Department of Health pursuant to the Dutchess County Sanitary Code to compel corrective action by the owner(s). Such corrective action may include, but is not limited to, requiring the owner(s) to install a filtration system to bring water quality into compliance and/or requiring owners to purchase satisfactory bottled water to be provided occupants.