

HOUSE No. 900

The Commonwealth of Massachusetts

PRESENTED BY:

Natalie M. Blais and Meghan K. Kilcoyne

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:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>1/17/2025</i>
<i>Meghan K. Kilcoyne</i>	<i>12th Worcester</i>	<i>1/17/2025</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>1/17/2025</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/6/2025</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/6/2025</i>
<i>John J. Cronin</i>	<i>Worcester and Middlesex</i>	<i>2/6/2025</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>2/6/2025</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/24/2025</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>3/3/2025</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>3/14/2025</i>

HOUSE No. 900

By Representatives Blais of Deerfield and Kilcoyne of Clinton, a petition (accompanied by bill, House, No. 900) of Natalie M. Blais, Meghan K. Kilcoyne and others for legislation to protect drinking water quality in private wells. Environment and Natural Resources.

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:-

Section 21. (a) The department shall promulgate regulations to be known as the minimum standards for private wells, to address matters affecting the environment and the well-being of the public over which the department takes cognizance and responsibility, including but not limited to, testing of private wells.

(b) The minimum standards for private wells shall include: (1) Drinking water quality standards for private wells, including but not limited to, identifying all contaminants required to be tested, the acceptable level for each contaminant, and the frequency at which such testing shall occur; (2) Testing requirements for all listed contaminants for all new private wells prior to being placed into service as a source of drinking water; (3) Testing requirements for all listed contaminants for all private wells before the transfer of residential property upon which they are located;

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

Section 22. (a) Except as provided in subsection (b), a private well shall be inspected at or within 2 years prior to the time of transfer of title to the private well facility. A copy of the complete inspection report shall be submitted to the buyer or other person acquiring title to the private well facility.

(b) The following transactions shall not be considered transfers of title for the purposes of this section: (1) taking a security interest in a property, including but not limited to, the issuance of a mortgage; (2) refinancing a mortgage or similar instrument, whether or not the identity of the lender remains the same; (3) a change in the form of ownership among the same owners,

such as placing the facility within a family trust of which the owners are the beneficiaries, or changing the proportionate interests among a group of owners or beneficiaries; (4) adding or deleting a spouse as an owner or beneficiary; or a transfer between spouses during life, out right or in trust; or the death of a spouse; (5) the appointment of or a change in a guardian, conservator, or trustee.

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

SECTION 3. Item 1231-1020 of section 72 of chapter 204 of the acts of 1996, as amended by section 54 of chapter 365 is hereby amended by inserting after the word “called” the following words:-

“and to assist to assist homeowners with treatment systems to ensure that drinking water from private wells meets primary standards for recommended concentration limits of contaminants as specified by public drinking water standards issued by the department of environmental protection and the standards required under section 21 of chapter 21G; provided further, that the department of environmental protection shall determine the requirements for loan guarantees and interest subsidies for an eligible project; provided further, that the department of environmental protection may subcontract the administration of this program to public authorities and other public instrumentalities of the commonwealth; provided further, that the board of health of a city or town in which a proposed project shall be undertaken, or the department of environmental protection shall determine if a homeowner’s proposed project is an eligible private well remediation project as specified by public drinking water standards issued by the department; provided further, that for purposes of this program, an eligible project shall

55 mean a project to construct a treatment system for a private well that a board of health of a city
56 or town or the department of environmental protection determines is out of compliance with
57 public drinking water standards issued by the department or a septic system that a board of health
58 of a city or town determines is out of compliance with Title V.”