

## WELLS

### *389 Attachment 1*

**Rockland County**  
**Private Well Testing Requirements**  
**Standards for Implementation**  
**[Approved by the County Legislature 10-6-2005**  
**by Res. No. 498-2005]**

#### **Scope and Authority**

These regulations, developed in accordance with § 389-5 of the Laws of Rockland County, New York, establish standards to govern the testing of private wells. Specifically, these regulations identify the required water test parameters as well as the requirements for the collection, analysis, and reporting of test results pursuant to Chapter 389 of the Laws of Rockland County, New York, hereinafter referred to as the “Private Well Testing Law.”

#### **Definitions**

The following words and terms, when used in these regulations, shall have the following meanings unless the context clearly indicates otherwise.

“Certified Laboratory” means an analytical laboratory certified or accredited by the New York State Department of Health (NYSDOH) Environmental Laboratory Approval Program (ELAP).

“Designated Sampler” means a person designated by the certified reporting laboratory to collect samples for that laboratory pursuant to the private well testing law. When reporting test results pursuant to the private well testing law, the reporting laboratory accepts responsibility for sample collection as well as laboratory analysis in compliance with these regulations. In the event that samples are collected by Rockland County Department of Health (RCDOH) personnel, the County of Rockland assumes responsibility for proper sample collection.

“Maximum contaminant level” or “MCL” means the maximum permissible level of a contaminant in drinking water, as specified in 10 NYCRR Part 5, Subpart 5-1.

“Primary Water Quality Parameter” means a parameter for which the NYSDOH has specified a maximum contaminant level (MCL).

“Private Well Testing Law” means Chapter 389 of the Laws of Rockland County, New York.

“Reporting Laboratory” means the certified laboratory responsible for reporting the complete set of required information to the person(s) requesting the test and to RCDOH.

“Secondary parameter” means a drinking water parameter regulated for aesthetic purposes rather than direct health effects. Secondary parameters regulated by the private well testing law include pH, iron, manganese and sodium, none of which have specified MCLs. Treatment for the removal or adjustment of these parameters may be recommended when their reported levels exceed the guideline values or optimal range.

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“Water test failure” means that one or more of the parameters tested pursuant to the private well testing law exceeds the specified MCL, guideline value or optimal range.

“Water treatment system” means a device or process applied to the drinking water at a house or building for the purpose of modifying the physical and/or chemical properties of the water. Examples include, but are not limited to particulate filters, water softeners, carbon filters, reverse osmosis filters, ultraviolet disinfection systems, chlorination systems and corrosion control systems.

### **Severability**

If any provision of these regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications, and to this end, the provisions of these regulations are declared to be severable.

### **SAMPLING AND TESTING REQUIREMENTS**

#### **Parameters for which testing is required**

Each water sample shall be analyzed for the following parameters:

1. Total coliform bacteria;
2. Either fecal coliform or Escherichia coli (e-coli) if the sample tests positive for total coliform bacteria;
3. Chloride;
4. Nitrate;
5. pH;
6. Arsenic;
7. Iron;
8. Manganese;
9. Sodium;
10. All Principal Organic Contaminants (POCs) listed in NYSDOH Subpart 5-1, Table 9D;
11. Methyl-tert-butyl-ether (MTBE);
12. Vinyl Chloride.

#### **Analytical Testing Requirements**

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All water samples collected pursuant to the private well testing law shall be analyzed by a laboratory certified by the New York State Department of Health (NYSDOH) Environmental Laboratory Approval Program (ELAP) for the specific parameters tested using the analytical methods specified for public water supplies by 10 NYCRR Part 5 Appendix 5-C.

### **Collection requirements**

Collection of water samples shall be conducted in accordance with all requirements applicable to public water supplies as identified in 10 NYCRR Part 5 Appendix 5-C, and as approved by the certified laboratory conducting the analyses. Water samples must be collected by: (1) qualified samplers approved and designated by the NYSDOH ELAP-certified laboratory conducting the analyses, or (2) qualified samplers employed by RCDOH. Sampling will be conducted by RCDOH only at the discretion of the Commissioner, and only upon payment of a fee as prescribed by the Commissioner.

### **Sample location**

If there is no water treatment system in use on the subject property, samples shall be collected from a primary cold-water, non-aerated spigot or tap that draws from, or feeds water to, the potable water system of the subject property. In the case of new well construction and installation where there is no spigot or tap on the subject property, the sample may be collected directly at the well head.

Where a water treatment system is in use on the subject property, an untreated water sample shall be collected as follows:

1. The sample shall be collected at a location prior to the water treatment system; or
2. The water treatment system shall be disconnected or otherwise disabled prior to the collection of the water sample. To avoid contamination of the potable water system, this option should not be used if the water treatment system is installed to address contamination that has potentially deleterious health effects, including but not limited to any contaminant for which NYSDOH has established an MCL.

### **Reporting requirements for laboratories**

The reporting laboratory shall, within five business days after completion of analyses of water samples:

1. Provide the following information to the person(s) who requested the test. The information shall be provided on the RCDOH "Private Well Water Test Reporting Form", which will be provided upon request to certified laboratories in an electronic format. The form shall include the following information:
  - i. The name, telephone number, and mailing address of person(s) who requested the test;

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- ii. The name of the laboratory's designated sampler(s) or the RCDOH sampler(s) who collected the water sample;
- iii. The analytical method used for each parameter tested pursuant to these regulations;
- iv. The analytical results, including the units of measure and minimum detection level, for each parameter tested pursuant to these regulations;
- v. The MCL, guideline value or optimal range for each parameter tested, presented in the same units of measure as the analytical result for the respective parameter.
- vi. The location of the real property, including, section block and lot, street address, town, and village if applicable;
- vii. The date and time of collection of the water sample(s);
- viii. The specific point at which the water sample was collected (e.g., kitchen tap, bathroom tap, etc.);
- ix. The date and time that the water sample(s) was analyzed by the certified laboratory;
- x. The name and identification number of all certified laboratories which conducted the analyses;
- xi. The internal laboratory sample identification number; and
- xii. A written certification signed by the laboratory manager and/or designee stating that all sampling, analyses and reporting performed by or for that laboratory comply with all requirements as set forth in these regulations and in 10 NYCRR Appendix 5-C and certifying that the laboratory is in compliance with all laboratory certification and quality control procedures as required by ELAP;

In the event samples were collected and submitted for analysis by RCDOH, the certification may be modified to exclude responsibility for sample collection;

- xiii. One or more of the following statement(s), as applicable, at the top of the form prior to listing the individual results as follows:
  - (1) If all analytical results are below applicable MCLs or guideline values and with the optimal pH range, the statement shall read: "All analytical results meet primary and secondary contaminant standards for drinking water.";

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- (2) If the concentration of one or more primary water quality parameters exceeds its MCL, the statement shall read: “One or more of the analytical results does not meet primary water quality standards for drinking water.”;
- (3) If the analytical result for one or more secondary water quality parameters exceeds the guideline value or optimal range, the statement shall read: “One or more of the analytical results does not meet secondary contaminant standards for drinking water.”

2. Provide the following information to the RCDOH electronically:

- i. The name and address of the reporting laboratory;
- ii. All data being submitted to the person(s) who requested the test?
- iii. A unique laboratory submission identification number;
- iv. The CAS number of each parameter analyzed, if applicable;
- v. A detection flag for each parameter;
- vi. The dilution factor(s) if applicable, for each parameter;
- vii. The completion date of analyses;

If more than one certified laboratory analyzes a water sample pursuant to the private well testing law, one certified laboratory shall act as the reporting laboratory and shall compile and provide a complete set of required information as described above. The analysis shall be deemed complete after all the required analytical tests have either been performed by the reporting laboratory or submitted to reporting laboratory by subcontracted certified laboratories.

### **Electronic data submittal**

The reporting laboratory shall electronically submit a complete set of required information to the RCDOH at one time, and in the format(s) prescribed by the RCDOH as discussed below.

Prior to submitting data electronically to the Department, the laboratory manager and/or assigned designee shall register with the RCDOH as follows:

1. Print, complete and sign the authorization form found at the website [[www.co.rockland.ny.us](http://www.co.rockland.ny.us)],
2. Mail the completed authorization form to the RCDOH at the following address:

Rockland County Department of Health  
Private Well Testing Law  
50 Sanatorium Road, Building D

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Upon registration, the laboratory will be issued a personal identification number (PIN). When electronically submitting a complete set of required information to the Department, the reporting laboratory shall:

1. Use the PIN as an electronic signature to certify that all sampling, analyses and quality control procedures were conducted in accordance with these regulations and 10 NYCRR Part 5 Appendix 5-C; and
2. Use only the electronic data formats supplied by the Department.

The Department shall reject any submittal which it has determined to be incomplete or deficient in accordance with these regulations and shall so notify the reporting laboratory.

Any reporting laboratory whose submittal has been rejected by the Department because of a failure to submit all information as set forth above shall resubmit a complete set of required information to the RCDOH and to the person(s) who requested the test within two (2) business days of receipt of notification.

Any re-submittal made to the RCDOH and to the person(s) who requested the test shall include all information originally submitted plus the additional missing information, shall have the same unique laboratory submission identification number, and shall be marked as a resubmittal.

If the submittal made by the reporting laboratory is incomplete or deficient to the extent that re-sampling is required, the deficient submittal shall not be valid for purposes of complying with the Private Well Testing Act.

The reporting laboratory shall notify the person(s) who requested the test that the submittal has been rejected by the Department within two business days of receipt of notification by the Department that the submittal has been rejected.

### **NOTIFICATION PROCESS**

Upon receipt of a laboratory report indicating a water test failure, RCDOH is authorized to issue public notification to owners of property in the vicinity of the subject property, suggesting or recommending that property owners may wish to have their wells tested for the failed parameter(s).

Public notification shall be provided at the discretion of the RCDOH, with the decision based upon an assessment of the potential risk to public health. Factors considered in this assessment shall include but not be limited to: severity and type of contamination, proximity of known contamination to other dwellings or places of employment, proximity to public water supplies, knowledge or lack thereof of the contaminant source, status of any related remediation actions, migration potential of the identified contaminants, and status of prior notifications within the same area. Such notification may be in any form deemed suitable by the RCDOH.

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If the RCDOH provides public notification, such notification shall, at a minimum, be distributed to all property owners within two hundred (200) feet from each boundary of the subject property.

A yearly report shall be compiled and delivered to the legislature noting, at a minimum, all failures, the reason for each failure if known, and whether notification was made, and if made, to what distance. Names, addresses and other potentially identifying characteristics of the failed wells shall not be included in said report.