

1475

2009-2010 Regular Sessions

I N S E N A T E

February 2, 2009

Introduced by Sen. SALAND -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, the public health law, the real property law and the tax law, in relation to enacting the "private well testing act"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "private well testing act".

3 S 2. Subdivision 1 of section 3-0315 of the environmental conservation
4 law, as added by section 1 of part C of chapter 1 of the laws of 2003,
5 is amended to read as follows:

6 1. The department shall create or modify an existing geographic infor-
7 mation system, and maintain such system for purposes including, but not
8 limited to, incorporating information from remedial programs under its
9 jurisdiction, and shall also incorporate information from the source
10 water assessment program collected by the department of health, INFORMA-
11 TION COLLECTED PURSUANT TO SECTIONS ELEVEN HUNDRED TEN AND ELEVEN
12 HUNDRED TEN-A OF THE PUBLIC HEALTH LAW, data from annual water supply
13 statements prepared pursuant to section eleven hundred fifty-one of the
14 public health law, information from the database pursuant to title four-
15 teen of article twenty-seven of this chapter, and any other existing
16 data regarding soil and groundwater contamination currently gathered by
17 the department, as well as data on contamination that is readily avail-
18 able from the United States geological survey and other sources deter-
19 mined appropriate by the department.

20 S 3. The public health law is amended by adding two new sections 1110
21 and 1110-a to read as follows:

22 S 1110. PRIVATE WELL TESTING. 1. (A) THE DEPARTMENT SHALL PROMULGATE
23 REGULATIONS WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE DATE OF THIS

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD07265-01-9

SECTION PROVIDING FOR THE TESTING OF WATER USED FOR DRINKING WATER FROM PRIVATE WELLS LOCATED ON REAL PROPERTY SUBJECT TO THIS SECTION.

(B) ANY CONTRACT FOR THE SALE OF REAL PROPERTY WHICH IS SERVED BY A PRIVATE WELL THAT IS THE POTABLE WATER SUPPLY FOR SUCH PROPERTY SHALL INCLUDE A PROVISION THAT PROVIDES, AT THE OPTION OF THE BUYER THE TESTING OF SUCH WATER SUPPLY FOR AT LEAST THE STANDARDS PRESCRIBED PURSUANT TO THIS SECTION. IN THE EVENT THE BUYER ELECTS TO PERFORM THE TESTING OF SUCH WATER SUPPLY THE BUYER SHALL RECEIVE A CREDIT UNDER PART ONE OF ARTICLE TWENTY-TWO OF THE TAX LAW; PROVIDED THAT THE SELLER HAS NOT RECEIVED A REIMBURSEMENT PURSUANT TO SECTION ELEVEN HUNDRED TEN-A OF THIS ARTICLE. IN NO EVENT SHALL SUCH CREDIT EXCEED THE COST FOR SUCH TEST AS DETERMINED BY THE DEPARTMENT PURSUANT TO PARAGRAPH (A) OF SUBDIVISION FOUR OF THIS SECTION. SUCH CONTRACT SHALL SPECIFICALLY ADVISE THE BUYER OF THE DISCLOSURES REQUIRED BY SECTIONS FOUR HUNDRED SIXTY-TWO AND FOUR HUNDRED SIXTY-EIGHT OF THE REAL PROPERTY LAW. PROVISIONS OF THIS SECTION SHALL NOT APPLY TO PROPERTY WHERE THE POTABLE WATER SUPPLY HAS FIVE OR MORE SERVICE CONNECTIONS OR THAT REGULARLY SERVES AN AVERAGE OF TWENTY-FIVE OR MORE INDIVIDUALS DAILY FOR AT LEAST SIXTY DAYS OUT OF THE YEAR.

2. EVERY WATER TEST CONDUCTED IN ACCORDANCE WITH THIS SECTION SHALL INCLUDE A TEST AS ESTABLISHED BY THE STATE DRINKING WATER QUALITY STANDARDS TO DETERMINE NONCOMPLIANCE WITHIN THE MAXIMUM CONTAMINANT LEVELS INCLUDING BUT NOT LIMITED TO THE FOLLOWING CONTAMINANTS: BACTERIA (TOTAL COLIFORM); NITRATES; IRON; MANGANESE; PH; VOLATILE ORGANIC COMPOUNDS AND LEAD.

3. (A) PURSUANT TO A FINDING OF A HEALTH THREAT THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, SHALL DEVELOP A LIST OF ADDITIONAL CONTAMINANTS THAT THE DEPARTMENT DEEMS SIGNIFICANT IN EACH COUNTY OR IN ANY OTHER SPECIFIC AREA WITHIN A COUNTY THAT SHALL BE TESTED FOR AS PART OF ANY WATER TEST TO BE CONDUCTED IN ACCORDANCE WITH THIS SECTION. SUCH ADDITIONAL PARAMETERS MAY INCLUDE, BUT NEED NOT BE LIMITED TO, TESTING FOR ARSENIC AND MERCURY.

(B) THE DEPARTMENT MAY, BY RULE OR REGULATION, PURSUANT TO A FINDING THAT THERE IS NOT A HEALTH THREAT EXCLUDE OR LIMIT BY GEOGRAPHIC AREA OR GEOLOGIC FORMATION, OR BASED UPON WELL RECORDED INFORMATION, ANY CONTAMINANT LISTED IN THIS SECTION DEEMED BY THE DEPARTMENT AS NOT SIGNIFICANT IN A COUNTY OR IN ANY SPECIFIC AREA WITHIN A COUNTY AND SUCH AREA OF FORMATION NEED NOT BE TESTED AS PART OF ANY WATER TEST CONDUCTED IN ACCORDANCE WITH THIS SECTION.

(C)(I) THE COUNTY BOARD OF HEALTH, BASED UPON THE INFORMATION OBTAINED UNDER PARAGRAPHS (A) AND (B) OF THIS SUBDIVISION, SHALL HAVE THE AUTHORITY, BY RULE OR REGULATION, TO REQUIRE THAT ALL CONTRACTS FOR SALE OF REAL PROPERTY LOCATED WITHIN THE COUNTY OR WITHIN A SPECIFIC AREA OF THE COUNTY SHALL BE SUBJECT TO WATER TESTING IN ACCORD WITH THIS SECTION. IN THOSE COUNTIES WHERE THERE IS NO DULY AUTHORIZED LOCAL DEPARTMENT OF HEALTH, THE AUTHORITY CONFERRED BY THIS SUBDIVISION SHALL BE VESTED IN THE GOVERNING BODY OF THE COUNTY UPON THE RECOMMENDATION OF THE DEPARTMENT IN CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

(II) IN THE EVENT A PRIVATE WATER WELL TEST IS REQUIRED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE BUYER SHALL BE REIMBURSED FOR THE COST OF THE TESTING OF THE PRIVATE WELL FROM THE HAZARDOUS WASTE REMEDIATION OVERSIGHT AND ASSISTANCE ACCOUNT PURSUANT TO SECTION NINE-TY-SEVEN-B OF THE STATE FINANCE LAW, UPON PROVIDING THE DEPARTMENT WITH A RECEIPT EVIDENCING THE COST OF THE TEST AND OTHER INFORMATION AS PRESCRIBED BY THE DEPARTMENT. IN NO EVENT SHALL SUCH REIMBURSEMENT

1 EXCEED THE COST FOR SUCH TEST AS DETERMINED BY THE DEPARTMENT PURSUANT
2 TO PARAGRAPH (A) OF SUBDIVISION FOUR OF THIS SECTION.

3 (III) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE DEPARTMENT SHALL
4 PROVIDE NOTICE TO THE COUNTY HEALTH DEPARTMENT OR THE GOVERNING BODY OF
5 THE COUNTY OF THE SPECIFIC AREA WITHIN THE COUNTY WHERE AN INSTITUTIONAL
6 CONTROL AS DEFINED BY ARTICLE TWENTY-SEVEN OF THE ENVIRONMENTAL CONSER-
7 VATION LAW, IS EMPLOYED RESTRICTING THE USE OF GROUNDWATER PURSUANT TO
8 AN ORDER OR AN AGREEMENT FOR CLEANUP PURSUANT TO ARTICLE TWELVE OF THE
9 NAVIGATION LAW OR ARTICLE TWENTY-SEVEN OF THE ENVIRONMENTAL CONSERVATION
10 LAW OR A SITE LISTED ON THE NATIONAL PRIORITIES LIST ESTABLISHED UNDER
11 AUTHORITY OF 42 U.S.C. SECTION 9605. THE DEPARTMENT SHALL ISSUE A GENER-
12 AL NOTICE TO OWNERS OF REAL PROPERTY SERVED BY PRIVATE WELLS LOCATED IN
13 THE VICINITY OF SUCH INSTITUTIONAL CONTROLS, REQUIRING THAT THOSE PROP-
14 erty OWNERS TEST THEIR PRIVATE WELLS IN ACCORDANCE WITH THIS SECTION.
15 THE OWNERS OF SUCH REAL PROPERTY SHALL RECEIVE CUSTOMARY AND REASONABLE
16 REIMBURSEMENT FOR THE COST OF TESTING OF THE PRIVATE WELL FROM THE
17 HAZARDOUS WASTE REMEDIATION OVERSIGHT AND ASSISTANCE ACCOUNT PURSUANT TO
18 SECTION NINETY-SEVEN-B OF THE STATE FINANCE LAW.

19 (IV) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT OR PREEMPT
20 THE AUTHORITY OF A COUNTY, COUNTY HEALTH DEPARTMENT, COUNTY BOARD OF
21 HEALTH OR DESIGNATED HEALTH OFFICER FROM MAKING OR CAUSING TO BE MADE
22 SUCH INSPECTION AND TESTING OF A WATER SUPPLY AS MAY BE NECESSARY TO
23 ENSURE THE HEALTH AND SAFETY OF THE RESIDENTS OF THE STATE.

24 4. (A) ANY WATER TEST CONDUCTED IN ACCORDANCE WITH THIS SECTION SHALL
25 BE CONDUCTED BY A LABORATORY CERTIFIED BY THE DEPARTMENT PURSUANT TO
26 SECTION FIVE HUNDRED TWO OF THIS CHAPTER TO TEST FOR DRINKING WATER
27 CONTAMINANTS. THE DEPARTMENT SHALL DEVELOP A SCHEDULE OF COSTS FOR THE
28 TESTING OF THE WATER CONTAMINANTS THAT MAY BE TESTED PURSUANT TO THIS
29 SECTION. THE SCHEDULE OF COSTS SHALL BE THE MAXIMUM ALLOWABLE REIMBURSE-
30 MENT PROVIDED FOR IN THIS SECTION AND SECTION ELEVEN HUNDRED TEN-A OF
31 THIS ARTICLE.

32 (B) ANY WATER TEST RESULTS PROVIDED BY A LABORATORY TO THE PERSON OR
33 PERSONS REQUESTING THE TEST SHALL INCLUDE THE MAXIMUM CONTAMINANT LEVELS
34 OR OTHER ESTABLISHED WATER QUALITY STANDARDS, IF ANY, PRESCRIBED BY THE
35 DEPARTMENT FOR EACH PARAMETER TESTED AND SHALL BE TRANSMITTED ON A
36 STANDARDIZED PRIVATE WELL WATER TEST REPORTING FORM PRESCRIBED BY THE
37 DEPARTMENT. THE FORM SHALL PROVIDE INFORMATION REGARDING REMEDIATION
38 ALTERNATIVES AVAILABLE, AND SHALL REFER THE BUYER AND SELLER OF THE REAL
39 PROPERTY IN QUESTION TO THE APPROPRIATE OFFICE OR PERSON WITHIN THE
40 DEPARTMENT, OR THE DEPARTMENT'S WEBSITE FOR FURTHER INFORMATION REGARD-
41 ING SUCH ALTERNATIVES.

42 (C) WITHIN FIVE BUSINESS DAYS AFTER COMPLETION OF THE WATER TEST, A
43 LABORATORY SHALL SUBMIT THE WATER TEST RESULTS TO THE DEPARTMENT AND THE
44 COUNTY BOARD OF HEALTH, IF APPLICABLE, WITH THE FOLLOWING INFORMATION:

45 (I) A STATEMENT THAT THE TESTING IS FOR THE PURPOSE OF COMPLYING WITH
46 THE "PRIVATE WELL TESTING ACT";

47 (II) THE LOCATION OF THE REAL PROPERTY, DESCRIBED BY AN EIGHT DIGIT
48 GLOBAL POSITIONING SYSTEM (GPS) COORDINATE AND BY BLOCK AND LOT NUMBER,
49 STREET ADDRESS, MUNICIPALITY, AND COUNTY;

50 (III) THE NAME AND MAILING ADDRESS OF THE PERSON OR PERSONS MAKING THE
51 REQUEST FOR THE TEST;

52 (IV) THE DATE AND TIME THAT THE WATER SAMPLE WAS COLLECTED AND THE
53 SPECIFIC POINT OF COLLECTION;

54 (V) THE DATE AND TIME THE SAMPLE WAS ANALYZED BY THE LABORATORY; AND

55 (VI) SUCH OTHER INFORMATION AS MAY BE REQUIRED BY THE DEPARTMENT, IN
56 CONSULTATION, IF DEEMED NECESSARY BY THE DEPARTMENT OF ENVIRONMENTAL

1 CONSERVATION, COUNTY HEALTH DEPARTMENT, HEALTH AGENCY, OR DESIGNATED
2 HEALTH OFFICER, AS APPROPRIATE TO EACH COUNTY.

3 (D) THE DEPARTMENT MAY REQUIRE LABORATORIES TO SUBMIT ELECTRONICALLY
4 THE INFORMATION REQUIRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION.

5 (E) A LABORATORY SHALL NOT RELEASE WATER TEST RESULTS TO ANY PERSON
6 EXCEPT THE BUYER AND SELLER OF THE REAL PROPERTY AT ISSUE AS PROVIDED IN
7 SUBDIVISION ONE OF THIS SECTION, THE LESSOR OF THE REAL PROPERTY AS
8 PROVIDED IN SUBDIVISION SIX OF THIS SECTION, ANY PERSON AUTHORIZED BY
9 THE BUYER, SELLER, OR LESSOR, AS THE CASE MAY BE, THE DEPARTMENT, THE
10 COUNTY BOARD OF HEALTH WHERE THE PROPERTY IS LOCATED, IF APPLICABLE, OR
11 ANY PERSON DESIGNATED BY COURT ORDER.

12 (F) THE DEPARTMENT SHALL COMPILE THE DATA ACCUMULATED FROM THE WATER
13 TEST RESULTS SUBMITTED BY LABORATORIES PURSUANT TO THIS SECTION IN A
14 MANNER THAT SHALL BE USEFUL TO THE DEPARTMENT, COUNTIES, MUNICIPALITIES,
15 OR OTHER GOVERNMENTAL ENTITIES FOR THE PURPOSES OF STUDYING GROUNDWATER
16 SUPPLIES OR CONTAMINATION IN THE STATE.

17 (G) THE RESULTS OF WATER WELL TESTS SHALL BE PROVIDED TO THE DEPART-
18 MENT OF ENVIRONMENTAL CONSERVATION FOR INCLUSION IN THE STATEWIDE
19 GROUNDWATER REMEDIATION STRATEGY DEVELOPED IN ACCORDANCE WITH SECTION
20 15-3109 OF THE ENVIRONMENTAL CONSERVATION LAW AND THE GEOGRAPHIC INFOR-
21 MATION SYSTEM DEVELOPED IN ACCORDANCE WITH SECTION 3-0315 OF THE ENVI-
22 RONMENTAL CONSERVATION LAW.

23 5. THE DEPARTMENT, WITHIN FIVE BUSINESS DAYS AFTER RECEIVING ANY
24 REPORT OF A WATER TEST FAILURE IN ACCORDANCE WITH THIS SECTION, SHALL
25 PROVIDE NOTICE OF SUCH WATER TEST FAILURE TO THE COUNTY HEALTH DEPART-
26 MENT WHERE THE FAILING PRIVATE WELL IS LOCATED. THE COUNTY DEPARTMENT OF
27 HEALTH SHALL ISSUE A GENERAL NOTICE TO OWNERS OF REAL PROPERTY SERVED BY
28 PRIVATE WELLS LOCATED IN THE VICINITY OF THE REAL PROPERTY EXPERIENCING
29 THE WATER TEST FAILURE SUGGESTING OR RECOMMENDING THAT THOSE PROPERTY
30 OWNERS MAY WISH TO HAVE THEIR PRIVATE WELLS TESTED FOR AT LEAST THE
31 PARAMETERS AT ISSUE. IN THE ABSENCE OF A DULY AUTHORIZED COUNTY DEPART-
32 MENT OF HEALTH THE AUTHORITY CONFERRED BY THIS SUBDIVISION SHALL BE
33 VESTED IN THE DEPARTMENT IN CONSULTATION WITH THE DEPARTMENT OF ENVIRON-
34 MENTAL CONSERVATION. ANY TEST RESULTS VOLUNTARILY PERFORMED BY AN OWNER
35 SHALL BE SUBMITTED BY THE LABORATORY TO THE DEPARTMENT AND THE COUNTY
36 BOARD OF HEALTH, IF APPLICABLE, PURSUANT TO PARAGRAPH (C) OF SUBDIVISION
37 FOUR OF THIS SECTION. A HOMEOWNER WHO VOLUNTARILY PERFORMS A PRIVATE
38 WATER WELL TEST PURSUANT TO THIS SUBDIVISION SHALL BE REIMBURSED FOR THE
39 COST OF THE TESTING OF THE PRIVATE WELL AS PROVIDED FOR IN PARAGRAPH (B)
40 OF SUBDIVISION ONE OF THIS SECTION. THE SPECIFIC ADDRESS OR LOCATION OF
41 THE PRIVATE WELL THAT FAILED A WATER TEST SHALL NOT BE IDENTIFIED IN THE
42 NOTICE OR BY ANY OTHER MEANS OR IN ANY OTHER MANNER. THE DEPARTMENT
43 SHALL ESTABLISH CRITERIA FOR NOTIFICATION WHICH MAY INCLUDE, BUT SHALL
44 NOT BE LIMITED TO, THE MAXIMUM CONTAMINANT LEVEL, THE LEVEL OF EXCEE-
45 DENCE REPORTED, AND THE DISTANCE OR LOCATION OF THE PROPERTIES IN THE
46 VICINITY OF THE CONTAMINATED WELL FOR WHICH TESTING IS RECOMMENDED AND
47 THE STATE REQUIREMENT THAT TESTING BE PERFORMED AT A CERTIFIED LABORATO-
48 RY.

49 6. WITHIN THIRTY DAYS OF RECEIVING NOTICE OF REQUIRED TESTING UNDER
50 SUBPARAGRAPHS (I) AND (III) OF PARAGRAPH (C) OF SUBDIVISION THREE OF
51 THIS SECTION, THE LESSOR OF ANY REAL PROPERTY THE POTABLE WATER SUPPLY
52 FOR WHICH IS A PRIVATE WELL SHALL TEST THAT WATER SUPPLY IN THE MANNER
53 ESTABLISHED PURSUANT TO THIS SECTION FOR AT LEAST THE PARAMETERS
54 REQUIRED PURSUANT TO SUBDIVISIONS TWO AND THREE OF THIS SECTION. WITHIN
55 FIVE BUSINESS DAYS AFTER THE RECEIPT OF THE TEST RESULTS, THE LESSOR
56 SHALL ALSO PROVIDE A WRITTEN COPY THEREOF TO EACH LESSEE OF A RENTAL

UNIT ON THE PROPERTY. THE LESSOR SHALL ALSO PROVIDE A WRITTEN COPY OF THE MOST RECENT TEST RESULTS TO A NEW LESSEE OF A RENTAL UNIT ON THE PROPERTY. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO PROPERTY WHERE THE POTABLE WATER SUPPLY HAS FIVE OR MORE SERVICE CONNECTIONS OR THAT REGULARLY SERVES AN AVERAGE OF TWENTY-FIVE OR MORE INDIVIDUALS DAILY FOR AT LEAST SIXTY DAYS OUT OF THE YEAR.

7. NOTHING CONTAINED IN THIS SECTION SHALL PRECLUDE THE REMEDIATION AND RETESTING OF A PRIVATE WATER WELL AT THE TAP. IN THE EVENT OF RETESTING, THE SUBSEQUENT LABORATORY TEST SHALL BE SUBMITTED TO THE DEPARTMENT AND THE COUNTY BOARD OF HEALTH, IF APPLICABLE, PURSUANT TO PARAGRAPH (C) OF SUBDIVISION FOUR OF THIS SECTION.

(A) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, SHALL ESTABLISH A PUBLIC INFORMATION AND EDUCATION PROGRAM TO INFORM THE PUBLIC AND APPROPRIATE PROFESSIONAL DISCIPLINES OF THE ENACTMENT OF THIS SECTION, THE RIGHTS ESTABLISHED UNDER SECTIONS FOUR HUNDRED SIXTY-TWO AND FOUR HUNDRED SIXTY-EIGHT OF THE REAL PROPERTY LAW, AND THE SUBSTANCE OF SUCH PROVISIONS AND REQUIREMENTS, THE POTENTIAL HEALTH EFFECTS OF CONSUMING WATER FROM A PRIVATE WELL THAT EXCEEDS MAXIMUM CONTAMINANT LEVELS AND OTHER ESTABLISHED WATER QUALITY STANDARDS, THE GEOGRAPHIC AREAS IN THE STATE SUBJECT TO AN ACTUAL OR POTENTIAL THREAT OF DANGER FROM CONTAMINATED GROUNDWATER, THE IMPORTANCE OF TESTING PRIVATE WELLS REGULARLY FOR CONTAMINANTS, AND SUGGESTED WATER TREATMENT TECHNIQUES, EQUIPMENT STRATEGIES AND PUBLIC FUNDING SOURCES AVAILABLE FOR TREATING WATER FROM PRIVATE WELLS THAT HAVE FAILED A WATER TEST CONDUCTED IN ACCORDANCE WITH THIS SECTION.

(B) THE DEPARTMENT SHALL MAKE AVAILABLE TO THE PUBLIC A GENERAL COMPILED OF WATER TEST RESULTS DATA ARRANGED OR IDENTIFIED BY COUNTY, MUNICIPALITY OR APPROPRIATE GEOGRAPHIC AREA THEREIN. THE COMMISSIONER SHALL NOT PROVIDE THE NAME, ADDRESS OR ANY OTHER INFORMATION WHICH WOULD OTHERWISE IDENTIFY A PROPERTY CONTAINING A CONTAMINATED PRIVATE WATER WELL SUBJECT TO THIS SECTION.

S 1110-A. WELL WATER TESTING PILOT PROGRAM. 1. THE LEGISLATURE HEREBY FINDS THAT IT IS IN THE PUBLIC INTEREST TO PROVIDE INCENTIVE TO HOMEOWNERS THAT USE PRIVATE WELLS FOR DRINKING WATER TO TEST THESE POTABLE WATER SOURCES FOR CONTAMINANTS AND TO REQUIRE WELL TESTING IN AREAS AT RISK. THEREFORE, THIS SECTION DIRECTS A PILOT PROGRAM BE ESTABLISHED BY THE DEPARTMENT AND THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO DEVELOP APPROPRIATE TEST PARAMETERS IN ACCORDANCE WITH SECTION ELEVEN HUNDRED TEN OF THIS ARTICLE FOR PRIVATE DRINKING WELLS AND TO DEVELOP A DATABASE FOR THE COLLECTION OF TEST RESULTS FOR THE PURPOSE OF PROVIDING THE CITIZENS OF DUTCHESS AND ROCKLAND COUNTIES WITH INFORMATION ON THE QUALITY OF DRINKING WATER.

2. EFFECTIVE NOVEMBER FIRST, TWO THOUSAND TEN UNTIL OCTOBER THIRTY-FIRST, TWO THOUSAND TWELVE, A PILOT PROGRAM SHALL BE ESTABLISHED FOR OWNERS OF RESIDENTIAL REAL PROPERTY WHICH IS SERVICED BY A PRIVATE WELL THAT IS THE POTABLE WATER SUPPLY FOR SUCH PROPERTY, IN THE COUNTIES OF DUTCHESS AND ROCKLAND WHO HAVE NOT HAD A WATER TEST PURSUANT TO SECTION ELEVEN HUNDRED TEN OF THIS ARTICLE WITHIN THE PRECEDING YEAR. SUCH PROPERTY OWNERS MAY ELECT TO PERFORM THE TESTING FOR SUCH WATER SUPPLY ACCORDING TO THE STANDARDS PRESCRIBED PURSUANT TO SECTION ELEVEN HUNDRED TEN OF THIS ARTICLE. IN THE EVENT THE HOMEOWNER ELECTS TO PERFORM THE TESTING OF SUCH WATER SUPPLY, THE HOMEOWNER SHALL BE REIMBURSED FOR THE COST OF THE TESTING OF THE PRIVATE WELL FROM THE HAZARDOUS WASTE REMEDIATION OVERSIGHT AND ASSISTANCE ACCOUNT PURSUANT TO SECTION NINETY-SEVEN-B OF THE STATE FINANCE LAW, UPON PROVIDING THE DEPARTMENT WITH A RECEIPT EVIDENCING THE COST OF THE TEST AND ANY OTHER

1 INFORMATION AS MAY BE PRESCRIBED BY THE DEPARTMENT. IN NO EVENT SHALL
2 SUCH REIMBURSEMENT EXCEED THE COST FOR SUCH TEST AS DETERMINED BY THE
3 DEPARTMENT PURSUANT TO PARAGRAPH (A) OF SUBDIVISION FOUR OF SECTION
4 ELEVEN HUNDRED TEN OF THIS ARTICLE.

5 3. THE DEPARTMENT SHALL PROVIDE A WRITTEN REPORT TO THE GOVERNOR AND
6 THE LEGISLATURE DETAILING THE EFFECTIVENESS AND PROGRESS OF THE PILOT
7 PROGRAM PROVIDED FOR IN THIS SECTION WITHIN ONE YEAR OF THE EFFECTIVE
8 DATE OF THIS SECTION.

9 S 4. The real property law is amended by adding a new section 468 to
10 read as follows:

11 S 468. PRIVATE WELL TESTING REQUIREMENTS. 1. EVERY CONTRACT FOR THE
12 SALE OF REAL PROPERTY WHICH IS SERVED BY A PRIVATE WELL THAT IS THE
13 POTABLE WATER SUPPLY FOR SUCH PROPERTY SHALL INCLUDE A PROVISION THAT
14 PROVIDES, AT THE OPTION AND COST OF THE BUYER, THE TESTING OF SUCH WATER
15 SUPPLY FOR AT LEAST THE STANDARDS PRESCRIBED PURSUANT TO SECTION ELEVEN
16 HUNDRED TEN OF THE PUBLIC HEALTH LAW. PROVISIONS OF THIS SECTION SHALL
17 NOT APPLY TO PROPERTY WHERE THE POTABLE WATER SUPPLY HAS FIVE OR MORE
18 SERVICE CONNECTIONS OR THAT REGULARLY SERVES AN AVERAGE OF TWENTY-FIVE
19 OR MORE INDIVIDUALS DAILY FOR AT LEAST SIXTY DAYS OUT OF THE YEAR.

20 2. WHERE THE BUYER ELECTS TO PERFORM THE WATER TESTS THE CLOSING OF
21 TITLE ON THE SALE OF SUCH REAL PROPERTY SHALL NOT OCCUR UNLESS BOTH THE
22 BUYER AND THE SELLER HAVE RECEIVED AND REVIEWED A COPY OF SUCH WATER
23 TEST RESULTS. AT CLOSING, THE BUYER AND SELLER BOTH SHALL CERTIFY IN
24 WRITING THAT THEY HAVE RECEIVED AND REVIEWED THE WATER TEST RESULTS.
25 THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO MANDATED TESTING
26 REQUIRED UNDER SUBPARAGRAPHS (I) AND (III) OF PARAGRAPH (C) OF SUBDIVI-
27 SION THREE OF SECTION ELEVEN HUNDRED TEN OF THE PUBLIC HEALTH LAW.

28 3. NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, IN THE EVENT THE
29 SELLER'S WELL HAS BEEN TESTED AND THERE IS A WATER TEST FAILURE OR THE
30 SELLER RECEIVES A NOTICE FROM THE STATE OR THE COUNTY HEALTH DEPARTMENT
31 PURSUANT TO SUBDIVISION FIVE OF SECTION ELEVEN HUNDRED TEN OF THE PUBLIC
32 HEALTH LAW OF A FAILED WELL WITHIN THE VICINITY OF THE PROPERTY SUBJECT
33 TO A SALE, THE SELLER MUST DISCLOSE THE TEST RESULTS OR THE NOTICE TO
34 THE BUYER. FAILURE TO MAKE SUCH DISCLOSURE SHALL SUBJECT THE SELLER TO
35 CONSEQUENTIAL AND INCIDENTAL DAMAGES. IN ADDITION, THE BUYER MAY SEEK
36 RESCISSION OF THE CONTRACT AND THE RETURN OF ALL SUMS PAID TO THE SELL-
37 ER. NO AGENT OF EITHER THE BUYER OR THE SELLER TO A REAL ESTATE TRANS-
38 ACTION SUBJECT TO THIS SECTION SHALL BE LIABLE FOR A FAILURE TO DISCLOSE
39 AS REQUIRED BY THIS SUBDIVISION UNLESS SUCH AGENT HAS ACTUAL KNOWLEDGE.

40 S 5. Subdivision 2 of section 462 of the real property law, as added
41 by chapter 456 of the laws of 2001, is amended to read as follows:

42 2. The following shall be the disclosure form:

43 PROPERTY CONDITION DISCLOSURE STATEMENT

44 NAME OF SELLER OR SELLERS:

45 PROPERTY ADDRESS:

46 THE PROPERTY CONDITION DISCLOSURE ACT REQUIRES THE SELLER OF RESIDEN-
47 TIAL REAL PROPERTY TO CAUSE THIS DISCLOSURE STATEMENT OR A COPY THEREOF
48 TO BE DELIVERED TO A BUYER OR BUYER'S AGENT PRIOR TO THE SIGNING BY THE
49 BUYER OF A BINDING CONTRACT OF SALE.

50 PURPOSE OF STATEMENT: THIS IS A STATEMENT OF CERTAIN CONDITIONS AND
51 INFORMATION CONCERNING THE PROPERTY KNOWN TO THE SELLER. THIS DISCLOSURE
52 STATEMENT IS NOT A WARRANTY OF ANY KIND BY THE SELLER OR BY ANY AGENT

1 REPRESENTING THE SELLER IN THIS TRANSACTION. IT IS NOT A SUBSTITUTE FOR
2 ANY INSPECTIONS OR TESTS AND THE BUYER IS ENCOURAGED TO OBTAIN HIS OR
3 HER OWN INDEPENDENT PROFESSIONAL INSPECTIONS AND ENVIRONMENTAL TESTS AND
4 ALSO IS ENCOURAGED TO CHECK PUBLIC RECORDS PERTAINING TO THE PROPERTY.

5 A KNOWINGLY FALSE OR INCOMPLETE STATEMENT BY THE SELLER ON THIS FORM
6 MAY SUBJECT THE SELLER TO CLAIMS BY THE BUYER PRIOR TO OR AFTER THE
7 TRANSFER OF TITLE. IN THE EVENT A SELLER FAILS TO PERFORM THE DUTY
8 PRESCRIBED IN THIS ARTICLE TO DELIVER A DISCLOSURE STATEMENT PRIOR TO
9 THE SIGNING BY THE BUYER OF A BINDING CONTRACT OF SALE, THE BUYER SHALL
10 RECEIVE UPON THE TRANSFER OF TITLE A CREDIT OF FIVE HUNDRED DOLLARS
11 AGAINST THE AGREED UPON PURCHASE PRICE OF THE RESIDENTIAL REAL PROPERTY.

12 "RESIDENTIAL REAL PROPERTY" MEANS REAL PROPERTY IMPROVED BY A ONE TO
13 FOUR FAMILY DWELLING USED OR OCCUPIED, OR INTENDED TO BE USED OR OCCU-
14 PIED, WHOLLY OR PARTLY, AS THE HOME OR RESIDENCE OF ONE OR MORE PERSONS,
15 BUT SHALL NOT REFER TO (A) UNIMPROVED REAL PROPERTY UPON WHICH SUCH
16 DWELLINGS ARE TO BE CONSTRUCTED OR (B) CONDOMINIUM UNITS OR COOPERATIVE
17 APARTMENTS OR (C) PROPERTY ON A HOMEOWNERS' ASSOCIATION THAT IS NOT
18 OWNED IN FEE SIMPLE BY THE SELLER.

19 INSTRUCTIONS TO THE SELLER:

20 (a) ANSWER ALL QUESTIONS BASED UPON YOUR ACTUAL KNOWLEDGE.

21 (b) ATTACH ADDITIONAL PAGES WITH YOUR SIGNATURE IF ADDITIONAL SPACE IS
22 REQUIRED.

23 (c) COMPLETE THIS FORM YOURSELF.

24 (d) IF SOME ITEMS DO NOT APPLY TO YOUR PROPERTY, CHECK "NA" (NON-AP-
25 PPLICABLE). IF YOU DO NOT KNOW THE ANSWER CHECK "UNKN" (UNKNOWN).

26 SELLER'S STATEMENT: THE SELLER MAKES THE FOLLOWING REPRESENTATIONS TO
27 THE BUYER BASED UPON THE SELLER'S ACTUAL KNOWLEDGE AT THE TIME OF SIGN-
28 ING THIS DOCUMENT. THE SELLER AUTHORIZES HIS OR HER AGENT, IF ANY, TO
29 PROVIDE A COPY OF THIS STATEMENT TO A PROSPECTIVE BUYER OF THE RESIDEN-
30 TIAL REAL PROPERTY. THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER
31 AND ARE NOT THE REPRESENTATIONS OF THE SELLER'S AGENT.

32 GENERAL INFORMATION

33 1. HOW LONG HAVE YOU OWNED THE PROPERTY?

34 2. HOW LONG HAVE YOU OCCUPIED THE PROPERTY?

35 3. WHAT IS THE AGE OF THE STRUCTURE OR STRUCTURES? NOTE TO BUYER--IF
36 THE STRUCTURE WAS BUILT BEFORE 1978 YOU ARE ENCOURAGED TO INVESTI-
37 GATE FOR THE PRESENCE OF LEAD BASED PAINT.

38 4. DOES ANYBODY OTHER THAN YOURSELF HAVE A LEASE, EASEMENT OR ANY
39 OTHER RIGHT TO USE OR OCCUPY ANY PART OF YOUR PROPERTY OTHER THAN
40 THOSE STATED IN DOCUMENTS AVAILABLE IN THE PUBLIC RECORD, SUCH AS
41 RIGHTS TO USE A ROAD OR PATH OR CUT TREES OR CROPS. YES NO UNKN NA

42 5. DOES ANYBODY ELSE CLAIM TO OWN ANY PART OF YOUR PROPERTY? YES NO
43 UNKN NA (IF YES, EXPLAIN BELOW)

44 6. HAS ANYONE DENIED YOU ACCESS TO THE PROPERTY OR MADE A FORMAL LEGAL
45 CLAIM CHALLENGING YOUR TITLE TO THE PROPERTY? YES NO UNKN NA (IF
46 YES, EXPLAIN BELOW)

47 7. ARE THERE ANY FEATURES OF THE PROPERTY SHARED IN COMMON WITH
48 ADJOINING LAND OWNERS OR A HOMEOWNERS ASSOCIATION, SUCH AS WALLS,
49 FENCES OR DRIVEWAYS? YES NO UNKN NA (IF YES DESCRIBE BELOW)

50 8. ARE THERE ANY ELECTRIC OR GAS UTILITY SURCHARGES FOR LINE EXTEN-
51 SIONS, SPECIAL ASSESSMENTS OR HOMEOWNER OR OTHER ASSOCIATION FEES
52 THAT APPLY TO THE PROPERTY? YES NO UNKN NA (IF YES, EXPLAIN BELOW)

1 9. ARE THERE CERTIFICATES OF OCCUPANCY RELATED TO THE PROPERTY? YES
2 NO UNKN NA (IF NO, EXPLAIN BELOW)

3 ENVIRONMENTAL

4 NOTE TO SELLER - IN THIS SECTION, YOU WILL BE ASKED QUESTIONS REGARD-
5 ING PETROLEUM PRODUCTS AND HAZARDOUS OR TOXIC SUBSTANCES THAT YOU KNOW
6 TO HAVE BEEN SPILLED, LEAKED OR OTHERWISE BEEN RELEASED ON THE PROPERTY
7 OR FROM THE PROPERTY ONTO ANY OTHER PROPERTY. PETROLEUM PRODUCTS MAY
8 INCLUDE, BUT ARE NOT LIMITED TO, GASOLINE, DIESEL FUEL, HOME HEATING
9 FUEL, AND LUBRICANTS. HAZARDOUS OR TOXIC SUBSTANCES ARE PRODUCTS THAT
10 COULD POSE SHORT- OR LONG-TERM DANGER TO PERSONAL HEALTH OR THE ENVIRON-
11 MENT IF THEY ARE NOT PROPERLY DISPOSED OF, APPLIED OR STORED. THESE
12 INCLUDE, BUT ARE NOT LIMITED TO, FERTILIZERS, PESTICIDES AND INSECTI-
13 CIDES, PAINT INCLUDING PAINT THINNER, VARNISH REMOVER AND WOOD PRESERVA-
14 TIVES, TREATED WOOD, CONSTRUCTION MATERIALS SUCH AS ASPHALT AND ROOFING
15 MATERIALS, ANTIFREEZE AND OTHER AUTOMOTIVE PRODUCTS, BATTERIES, CLEANING
16 SOLVENTS INCLUDING SEPTIC TANK CLEANERS, HOUSEHOLD CLEANERS AND POOL
17 CHEMICALS AND PRODUCTS CONTAINING MERCURY AND LEAD.

18 NOTE TO BUYER - IF CONTAMINATION OF THIS PROPERTY FROM PETROLEUM
19 PRODUCTS AND/OR HAZARDOUS OR TOXIC SUBSTANCES IS A CONCERN TO YOU, YOU
20 ARE URGED TO CONSIDER SOIL AND GROUNDWATER TESTING OF THIS PROPERTY.

21 10. IS ANY OR ALL OF THE PROPERTY LOCATED IN A DESIGNATED FLOODPLAIN?
22 YES NO UNKN NA (IF YES, EXPLAIN BELOW)
23 11. IS ANY OR ALL OF THE PROPERTY LOCATED IN A DESIGNATED WETLAND?
24 YES NO UNKN NA (IF YES, EXPLAIN BELOW)
25 12. IS THE PROPERTY LOCATED IN AN AGRICULTURAL DISTRICT? YES NO
26 UNKN NA (IF YES, EXPLAIN BELOW)
27 13. WAS THE PROPERTY EVER THE SITE OF A LANDFILL? YES NO UNKN NA
28 (IF YES, EXPLAIN BELOW)
29 14. ARE THERE OR HAVE THERE EVER BEEN FUEL STORAGE TANKS ABOVE OR
30 BELOW THE GROUND ON THE PROPERTY? YES NO UNKN NA IF YES, ARE
31 THEY CURRENTLY IN USE? YES NO UNKN NA LOCATION(S) ARE THEY LEAKING
32 OR HAVE THEY EVER LEAKED? YES NO UNKN NA (IF YES, EXPLAIN BELOW)
33 15. IS THERE ASBESTOS IN THE STRUCTURE? YES NO UNKN NA (IF YES, STATE
34 LOCATION OR LOCATIONS BELOW)
35 16. IS LEAD PLUMBING PRESENT? YES NO UNKN NA (IF YES, STATE LOCATION
36 OR LOCATIONS BELOW)
37 17. HAS A RADON TEST BEEN DONE? YES NO UNKN NA (IF YES, ATTACH A COPY
38 OF THE REPORT)
39 18. HAS MOTOR FUEL, MOTOR OIL, HOME HEATING FUEL, LUBRICATING OIL OR
40 ANY OTHER PETROLEUM PRODUCT, METHANE GAS, OR ANY HAZARDOUS OR
41 TOXIC SUBSTANCE SPILLED, LEAKED OR OTHERWISE BEEN RELEASED ON THE
42 PROPERTY OR FROM THE PROPERTY ONTO ANY OTHER PROPERTY? YES NO
43 UNKN NA (IF YES, DESCRIBE BELOW)
44 19. HAS THE PROPERTY BEEN TESTED FOR THE PRESENCE OF MOTOR FUEL, MOTOR
45 OIL, HOME HEATING FUEL, LUBRICATING OIL, OR ANY OTHER PETROLEUM
46 PRODUCT, METHANE GAS, OR ANY HAZARDOUS OR TOXIC SUBSTANCE? YES NO
47 UNKN NA (IF YES, ATTACH REPORT(S))

48 STRUCTURAL

49 20. IS THERE ANY ROT OR WATER DAMAGE TO THE STRUCTURE OR STRUCTURES?
50 YES NO UNKN NA (IF YES, EXPLAIN BELOW)
51 21. IS THERE ANY FIRE OR SMOKE DAMAGE TO THE STRUCTURE OR STRUCTURES?
52 YES NO UNKN NA (IF YES, EXPLAIN BELOW)

- 1 22. IS THERE ANY TERMITE, INSECT, RODENT OR PEST INFESTATION OR
2 DAMAGE? YES NO UNKN NA (IF YES, EXPLAIN BELOW)
3 23. HAS THE PROPERTY BEEN TESTED FOR TERMITE, INSECT, RODENT OR PEST
4 INFESTATION OR DAMAGE? YES NO UNKN NA (IF YES, PLEASE ATTACH
5 REPORT(S))
6 24. WHAT IS THE TYPE OF ROOF/ROOF COVERING (SLATE, ASPHALT, OTHER.)?
7 ANY KNOWN MATERIAL DEFECTS? HOW OLD IS THE ROOF? IS THERE A TRANS-
8 FERABLE [WARRANTEE] WARRANTY ON THE ROOF IN EFFECT NOW? YES NO
9 UNKN NA (IF YES, EXPLAIN BELOW)
10 25. ARE THERE ANY KNOWN MATERIAL DEFECTS IN ANY OF THE FOLLOWING
11 STRUCTURAL SYSTEMS: FOOTINGS, BEAMS, GIRDERS, LINTELS, COLUMNS OR
12 PARTITIONS. YES NO UNKN NA (IF YES, EXPLAIN BELOW)

13 MECHANICAL SYSTEMS & SERVICES

- 14 26. WHAT IS THE WATER SOURCE (CIRCLE ALL THAT APPLY - WELL, PRIVATE,
15 MUNICIPAL, OTHER)? IF MUNICIPAL, IS IT METERED? YES NO UNKN NA
16 27. HAS THE WATER QUALITY AND/OR FLOW RATE BEEN TESTED? YES NO UNKN NA
17 (IF YES, DESCRIBE BELOW)
18 28. HAVE ANY WATER TESTS BEEN
19 PERFORMED? YES NO UNKN NA
20 29. WHAT IS THE DATE OF SUCH WATER
21 TESTS? UNKN NA
22 30. ATTACH WELL TEST RESULTS. NA
23 31. DID THE TEST REVEAL ANY
24 FAILURES? YES NO UNKN NA
25 32. WHICH PARAMETERS FAILED? UNKN NA
26 33. WAS REMEDIATION DONE? YES NO UNKN NA
27 34. WHAT TYPE OF REMEDIATION? UNKN NA
28 35. WAS THE WELL RETESTED? YES NO UNKN NA
29 36. WHEN WAS THE RETESTING
30 PERFORMED? UNKN NA
31 37. ATTACH COPY OF NEW TEST. NA
32 38. ANY FURTHER COMMENTS OR INFORMATION RELATING TO YOUR WELL. NA
33
34

- 35 39. WHAT IS THE TYPE OF SEWAGE SYSTEM (CIRCLE ALL THAT APPLY - PUBLIC
36 SEWER, PRIVATE SEWER, SEPTIC OR CESSPOOL)? IF SEPTIC OR CESSPOOL,
37 AGE? _____ DATE LAST PUMPED? _____ FREQUENCY OF PUMPING?
38 _____ ANY KNOWN MATERIAL DEFECTS? YES NO UNKN NA (IF YES,
39 EXPLAIN BELOW)
40 [29.] 40. WHO IS YOUR ELECTRIC SERVICE PROVIDER? _____ WHAT IS THE
41 AMPERAGE? _____ DOES IT HAVE CIRCUIT BREAKERS OR FUSES?
42 _____ PRIVATE OR PUBLIC POLES? _____ ANY KNOWN MATERIAL
43 DEFECTS? YES NO UNKN NA (IF YES, EXPLAIN BELOW)
44 [30.] 41. ARE THERE ANY FLOODING, DRAINAGE OR GRADING PROBLEMS THAT
45 RESULTED IN STANDING WATER ON ANY PORTION OF THE PROPERTY? YES NO
46 UNKN NA (IF YES, STATE LOCATIONS AND EXPLAIN BELOW)
47 [31.] 42. DOES THE BASEMENT HAVE SEEPAGE THAT RESULTS IN STANDING
48 WATER? YES NO UNKN NA (IF YES, EXPLAIN BELOW)

49 ARE THERE ANY KNOWN MATERIAL DEFECTS IN ANY OF THE FOLLOWING (IF YES,
50 EXPLAIN BELOW. USE ADDITIONAL SHEETS IF NECESSARY.):

- 51 [32.] 43. PLUMBING SYSTEM? YES NO UNKN NA
52 [33.] 44. SECURITY SYSTEM? YES NO UNKN NA
53 [34.] 45. CARBON MONOXIDE DETECTOR? YES NO UNKN NA

1	[35.]	46.	SMOKE DETECTOR?	YES	NO	UNKN	NA
2	[36.]	47.	FIRE SPRINKLER SYSTEM?	YES	NO	UNKN	NA
3	[37.]	48.	SUMP PUMP?	YES	NO	UNKN	NA
4	[38.]	49.	FOUNDATION/SLAB?	YES	NO	UNKN	NA
5	[39.]	50.	INTERIOR WALLS/CEILINGS?	YES	NO	UNKN	NA
6	[40.]	51.	EXTERIOR WALLS OR SIDING?	YES	NO	UNKN	NA
7	[41.]	52.	FLOORS?	YES	NO	UNKN	NA
8	[42.]	53.	CHIMNEY/FIREPLACE OR STOVE?	YES	NO	UNKN	NA
9	[43.]	54.	PATIO/DECK?	YES	NO	UNKN	NA
10	[44.]	55.	DRIVEWAY?	YES	NO	UNKN	NA
11	[45.]	56.	AIR CONDITIONER?	YES	NO	UNKN	NA
12	[46.]	57.	HEATING SYSTEM?	YES	NO	UNKN	NA
13	[47.]	58.	HOT WATER HEATER?	YES	NO	UNKN	NA
14	[48.]	59.	THE PROPERTY IS LOCATED IN THE				
15			FOLLOWING SCHOOL DISTRICT			UNKN	

16 NOTE: BUYER IS ENCOURAGED TO CHECK PUBLIC RECORDS CONCERNING THE PROP-
 17 ERTY (E.G. TAX RECORDS AND WETLAND AND FLOOD PLAIN MAPS)
 18 THE SELLER SHOULD USE THIS AREA TO FURTHER EXPLAIN ANY ITEM ABOVE. IF
 19 NECESSARY, ATTACH ADDITIONAL PAGES AND INDICATE HERE THE NUMBER OF ADDI-
 20 TIONAL PAGES ATTACHED.

21 _____
 22 _____
 23 _____
 24 _____

25 SELLER'S CERTIFICATION: SELLER CERTIFIES THAT THE INFORMATION IN THIS
 26 PROPERTY CONDITION DISCLOSURE STATEMENT IS TRUE AND COMPLETE TO THE
 27 SELLER'S ACTUAL KNOWLEDGE AS OF THE DATE SIGNED BY THE SELLER. IF A
 28 SELLER OF RESIDENTIAL REAL PROPERTY ACQUIRES KNOWLEDGE WHICH RENDERS
 29 MATERIALLY INACCURATE A PROPERTY CONDITION DISCLOSURE STATEMENT PROVIDED
 30 PREVIOUSLY, THE SELLER SHALL DELIVER A REVISED PROPERTY CONDITION
 31 DISCLOSURE STATEMENT TO THE BUYER AS SOON AS PRACTICABLE. IN NO EVENT,
 32 HOWEVER, SHALL A SELLER BE REQUIRED TO PROVIDE A REVISED PROPERTY CONDI-
 33 TION DISCLOSURE STATEMENT AFTER THE TRANSFER OF TITLE FROM THE SELLER TO
 34 THE BUYER OR OCCUPANCY BY THE BUYER, WHICHEVER IS EARLIER.

35 SELLER _____ DATE _____
 36 SELLER _____ DATE _____

37 BUYER'S ACKNOWLEDGMENT: BUYER ACKNOWLEDGES RECEIPT OF A COPY OF THIS
 38 STATEMENT AND BUYER UNDERSTANDS THAT THIS INFORMATION IS A STATEMENT OF
 39 CERTAIN CONDITIONS AND INFORMATION CONCERNING THE PROPERTY KNOWN TO THE
 40 SELLER. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER OR SELLER'S AGENT
 41 AND IS NOT A SUBSTITUTE FOR ANY HOME, PEST, RADON OR OTHER INSPECTIONS
 42 OR TESTING OF THE PROPERTY OR INSPECTION OF THE PUBLIC RECORDS.

43 BUYER _____ DATE _____
 44 BUYER _____ DATE _____

45 S 6. The tax law is amended by adding a new section 606-a to read as
 46 follows:

47 S 606-A. CREDITS AGAINST TAX FOR RESIDENTIAL WELL TESTING. A TAXPAYER
 48 SHALL BE ALLOWED CREDIT FOR THE ACTUAL COST OF THE RESIDENTIAL WELL

1 TESTING OR AN AMOUNT NOT TO EXCEED THE SCHEDULE OF COSTS CONTAINED IN
2 PARAGRAPH (A) OF SUBDIVISION FOUR OF SECTION ELEVEN HUNDRED TEN OF THE
3 PUBLIC HEALTH LAW, WHICHEVER IS LESS, AGAINST THE TAX IMPOSED BY THIS
4 ARTICLE.

5 S 7. Nothing in this act shall be interpreted as prohibiting any coun-
6 ty board of health or county governing body from adopting local laws,
7 rules or regulations with respect to private well testing which are more
8 stringent or impose additional requirements than state laws or regu-
9 lations.

10 S 8. This act shall take effect on the one hundred eightieth day after
11 it shall have become a law; provided, however, that effective immediate-
12 ly, the addition, amendment and/or repeal of any rule or regulation
13 necessary for the implementation of this act on its effective date are
14 authorized and directed to be made and completed on or before such
15 effective date.