

S T A T E O F N E W Y O R K

2198--A

2011-2012 Regular Sessions

I N S E N A T E

January 18, 2011

Introduced by Sen. SALAND -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 information system, and maintain such system for purposes including, but not
7 limited to, incorporating information from remedial programs under its
8 jurisdiction, and shall also incorporate information from the source
9 water assessment program collected by the department of health, INFORMATION COLLECTED PURSUANT TO SECTIONS ELEVEN HUNDRED TEN AND ELEVEN
10 HUNDRED TEN-A OF THE PUBLIC HEALTH LAW, data from annual water supply
11 statements prepared pursuant to section eleven hundred fifty-one of the
12 public health law, information from the database pursuant to title fourteen of article twenty-seven of this chapter, and any other existing
13 data regarding soil and groundwater contamination currently gathered by
14 the department, as well as data on contamination that is readily available from the United States geological survey and other sources determined appropriate by the department.

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

LBD05416-02-2

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

3 S 1110. PRIVATE WELL TESTING. 1. (A) THE DEPARTMENT SHALL PROMULGATE
4 REGULATIONS WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE DATE OF THIS
5 SECTION PROVIDING FOR THE TESTING OF WATER USED FOR DRINKING WATER FROM
6 PRIVATE WELLS LOCATED ON REAL PROPERTY SUBJECT TO THIS SECTION.

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

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

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

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

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

53 (II) IN THE EVENT A PRIVATE WATER WELL TEST IS REQUIRED PURSUANT TO
54 SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE BUYER SHALL BE REIMBURSED FOR
55 THE COST OF THE TESTING OF THE PRIVATE WELL FROM THE HAZARDOUS WASTE
56 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 EXCEED THE COST FOR SUCH TEST AS DETERMINED BY THE DEPARTMENT PURSUANT TO PARAGRAPH (A) OF SUBDIVISION FOUR OF THIS SECTION.

(III) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE DEPARTMENT SHALL PROVIDE NOTICE TO THE COUNTY HEALTH DEPARTMENT OR THE GOVERNING BODY OF THE COUNTY OF THE SPECIFIC AREA WITHIN THE COUNTY WHERE AN INSTITUTIONAL CONTROL AS DEFINED BY ARTICLE TWENTY-SEVEN OF THE ENVIRONMENTAL CONSERVATION LAW, IS EMPLOYED RESTRICTING THE USE OF GROUNDWATER PURSUANT TO AN ORDER OR AN AGREEMENT FOR CLEANUP PURSUANT TO ARTICLE TWELVE OF THE NAVIGATION LAW OR ARTICLE TWENTY-SEVEN OF THE ENVIRONMENTAL CONSERVATION LAW OR A SITE LISTED ON THE NATIONAL PRIORITIES LIST ESTABLISHED UNDER AUTHORITY OF 42 U.S.C. SECTION 9605. THE DEPARTMENT SHALL ISSUE A GENERAL NOTICE TO OWNERS OF REAL PROPERTY SERVED BY PRIVATE WELLS LOCATED IN THE VICINITY OF SUCH INSTITUTIONAL CONTROLS, REQUIRING THAT THOSE PROPERTY OWNERS TEST THEIR PRIVATE WELLS IN ACCORDANCE WITH THIS SECTION. THE OWNERS OF SUCH REAL PROPERTY SHALL RECEIVE CUSTOMARY AND REASONABLE REIMBURSEMENT FOR THE COST OF 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.

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

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

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

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

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

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

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

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

1 (V) THE DATE AND TIME THE SAMPLE WAS ANALYZED BY THE LABORATORY; AND
2 (VI) SUCH OTHER INFORMATION AS MAY BE REQUIRED BY THE DEPARTMENT, IN
3 CONSULTATION, IF DEEMED NECESSARY BY THE DEPARTMENT OF ENVIRONMENTAL
4 CONSERVATION, COUNTY HEALTH DEPARTMENT, HEALTH AGENCY, OR DESIGNATED
5 HEALTH OFFICER, AS APPROPRIATE TO EACH COUNTY.

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

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

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

20 (G) THE RESULTS OF WATER WELL TESTS SHALL BE PROVIDED TO THE DEPART-
21 MENT OF ENVIRONMENTAL CONSERVATION FOR INCLUSION IN THE STATEWIDE
22 GROUNDWATER REMEDIATION STRATEGY DEVELOPED IN ACCORDANCE WITH SECTION
23 15-3109 OF THE ENVIRONMENTAL CONSERVATION LAW AND THE GEOGRAPHIC INFOR-
24 MATION SYSTEM DEVELOPED IN ACCORDANCE WITH SECTION 3-0315 OF THE ENVI-
25 RONMENTAL CONSERVATION LAW.

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

52 6. WITHIN THIRTY DAYS OF RECEIVING NOTICE OF REQUIRED TESTING UNDER
53 SUBPARAGRAPHS (I) AND (III) OF PARAGRAPH (C) OF SUBDIVISION THREE OF
54 THIS SECTION, THE LESSOR OF ANY REAL PROPERTY THE POTABLE WATER SUPPLY
55 FOR WHICH IS A PRIVATE WELL SHALL TEST THAT WATER SUPPLY IN THE MANNER
56 ESTABLISHED PURSUANT TO THIS SECTION FOR AT LEAST THE PARAMETERS

1 REQUIRED PURSUANT TO SUBDIVISIONS TWO AND THREE OF THIS SECTION. WITHIN
2 FIVE BUSINESS DAYS AFTER THE RECEIPT OF THE TEST RESULTS, THE LESSOR
3 SHALL ALSO PROVIDE A WRITTEN COPY THEREOF TO EACH LESSEE OF A RENTAL
4 UNIT ON THE PROPERTY. THE LESSOR SHALL ALSO PROVIDE A WRITTEN COPY OF
5 THE MOST RECENT TEST RESULTS TO A NEW LESSEE OF A RENTAL UNIT ON THE
6 PROPERTY. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO PROPERTY
7 WHERE THE POTABLE WATER SUPPLY HAS FIVE OR MORE SERVICE CONNECTIONS OR
8 THAT REGULARLY SERVES AN AVERAGE OF TWENTY-FIVE OR MORE INDIVIDUALS
9 DAILY FOR AT LEAST SIXTY DAYS OUT OF THE YEAR.

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

15 (A) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF ENVIRON-
16 MENTAL CONSERVATION, SHALL ESTABLISH A PUBLIC INFORMATION AND EDUCATION
17 PROGRAM TO INFORM THE PUBLIC AND APPROPRIATE PROFESSIONAL DISCIPLINES OF
18 THE ENACTMENT OF THIS SECTION, THE RIGHTS ESTABLISHED UNDER SECTIONS
19 FOUR HUNDRED SIXTY-TWO AND FOUR HUNDRED SIXTY-EIGHT OF THE REAL PROPERTY
20 LAW, AND THE SUBSTANCE OF SUCH PROVISIONS AND REQUIREMENTS, THE POTEN-
21 TIAL HEALTH EFFECTS OF CONSUMING WATER FROM A PRIVATE WELL THAT EXCEEDS
22 MAXIMUM CONTAMINANT LEVELS AND OTHER ESTABLISHED WATER QUALITY STAND-
23 ARDS, THE GEOGRAPHIC AREAS IN THE STATE SUBJECT TO AN ACTUAL OR POTEN-
24 TIAL THREAT OF DANGER FROM CONTAMINATED GROUNDWATER, THE IMPORTANCE OF
25 TESTING PRIVATE WELLS REGULARLY FOR CONTAMINANTS, AND SUGGESTED WATER
26 TREATMENT TECHNIQUES, EQUIPMENT STRATEGIES AND PUBLIC FUNDING SOURCES
27 AVAILABLE FOR TREATING WATER FROM PRIVATE WELLS THAT HAVE FAILED A WATER
28 TEST CONDUCTED IN ACCORDANCE WITH THIS SECTION.

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

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

46 2. EFFECTIVE NOVEMBER FIRST, TWO THOUSAND THIRTEEN UNTIL OCTOBER THIR-
47 TY-FIRST, TWO THOUSAND FIFTEEN, A PILOT PROGRAM SHALL BE ESTABLISHED FOR
48 OWNERS OF RESIDENTIAL REAL PROPERTY WHICH IS SERVICED BY A PRIVATE WELL
49 THAT IS THE POTABLE WATER SUPPLY FOR SUCH PROPERTY, IN THE COUNTIES OF
50 DUTCHESS AND ROCKLAND WHO HAVE NOT HAD A WATER TEST PURSUANT TO SECTION
51 ELEVEN HUNDRED TEN OF THIS ARTICLE WITHIN THE PRECEDING YEAR. SUCH
52 PROPERTY OWNERS MAY ELECT TO PERFORM THE TESTING FOR SUCH WATER SUPPLY
53 ACCORDING TO THE STANDARDS PRESCRIBED PURSUANT TO SECTION ELEVEN HUNDRED
54 TEN OF THIS ARTICLE. IN THE EVENT THE HOMEOWNER ELECTS TO PERFORM THE
55 TESTING OF SUCH WATER SUPPLY, THE HOMEOWNER SHALL BE REIMBURSED FOR THE
56 COST OF THE TESTING OF THE PRIVATE WELL FROM THE HAZARDOUS WASTE REMEDI-

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

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

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

S 468. PRIVATE WELL TESTING REQUIREMENTS. 1. EVERY 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 AND COST OF THE BUYER, THE TESTING OF SUCH WATER SUPPLY FOR AT LEAST THE STANDARDS PRESCRIBED PURSUANT TO SECTION ELEVEN HUNDRED TEN OF THE PUBLIC HEALTH 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. WHERE THE BUYER ELECTS TO PERFORM THE WATER TESTS THE CLOSING OF TITLE ON THE SALE OF SUCH REAL PROPERTY SHALL NOT OCCUR UNLESS BOTH THE BUYER AND THE SELLER HAVE RECEIVED AND REVIEWED A COPY OF SUCH WATER TEST RESULTS. AT CLOSING, THE BUYER AND SELLER BOTH SHALL CERTIFY IN WRITING THAT THEY HAVE RECEIVED AND REVIEWED THE WATER TEST RESULTS. THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO MANDATED TESTING REQUIRED UNDER SUBPARAGRAPHS (I) AND (III) OF PARAGRAPH (C) OF SUBDIVISION THREE OF SECTION ELEVEN HUNDRED TEN OF THE PUBLIC HEALTH LAW.

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

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

2. The following shall be the disclosure form:

PROPERTY CONDITION DISCLOSURE STATEMENT

NAME OF SELLER OR SELLERS:

PROPERTY ADDRESS:

THE PROPERTY CONDITION DISCLOSURE ACT REQUIRES THE SELLER OF RESIDENTIAL REAL PROPERTY TO CAUSE THIS DISCLOSURE STATEMENT OR A COPY THEREOF TO BE DELIVERED TO A BUYER OR BUYER'S AGENT PRIOR TO THE SIGNING BY THE BUYER OF A BINDING CONTRACT OF SALE.

1 PURPOSE OF STATEMENT: THIS IS A STATEMENT OF CERTAIN CONDITIONS AND
2 INFORMATION CONCERNING THE PROPERTY KNOWN TO THE SELLER. THIS DISCLOSURE
3 STATEMENT IS NOT A WARRANTY OF ANY KIND BY THE SELLER OR BY ANY AGENT
4 REPRESENTING THE SELLER IN THIS TRANSACTION. IT IS NOT A SUBSTITUTE FOR
5 ANY INSPECTIONS OR TESTS AND THE BUYER IS ENCOURAGED TO OBTAIN HIS OR
6 HER OWN INDEPENDENT PROFESSIONAL INSPECTIONS AND ENVIRONMENTAL TESTS AND
7 ALSO IS ENCOURAGED TO CHECK PUBLIC RECORDS PERTAINING TO THE PROPERTY.

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

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

22 INSTRUCTIONS TO THE SELLER:

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

24 (b) ATTACH ADDITIONAL PAGES WITH YOUR SIGNATURE IF ADDITIONAL SPACE IS
25 REQUIRED.

26 (c) COMPLETE THIS FORM YOURSELF.

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

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

35 GENERAL INFORMATION

36 1. HOW LONG HAVE YOU OWNED THE PROPERTY?

37 2. HOW LONG HAVE YOU OCCUPIED THE PROPERTY?

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

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

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

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

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

- 1 8. ARE THERE ANY ELECTRIC OR GAS UTILITY SURCHARGES FOR LINE EXTEN-
2 SIONS, SPECIAL ASSESSMENTS OR HOMEOWNER OR OTHER ASSOCIATION FEES
3 THAT APPLY TO THE PROPERTY? YES NO UNKN NA (IF YES, EXPLAIN BELOW)
4 9. ARE THERE CERTIFICATES OF OCCUPANCY RELATED TO THE PROPERTY? YES
5 NO UNKN NA (IF NO, EXPLAIN BELOW)

6 ENVIRONMENTAL

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

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

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

51 STRUCTURAL

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

17 MECHANICAL SYSTEMS & SERVICES

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

- 38
 39 39. WHAT IS THE TYPE OF SEWAGE SYSTEM (CIRCLE ALL THAT APPLY - PUBLIC
 40 SEWER, PRIVATE SEWER, SEPTIC OR CESSPOOL)? IF SEPTIC OR CESSPOOL,
 41 AGE? _____ DATE LAST PUMPED? _____ FREQUENCY OF PUMPING?
 42 _____ ANY KNOWN MATERIAL DEFECTS? YES NO UNKN NA (IF YES,
 43 EXPLAIN BELOW)
 44 [29.] 40. WHO IS YOUR ELECTRIC SERVICE PROVIDER? _____ WHAT IS THE
 45 AMPERAGE? _____ DOES IT HAVE CIRCUIT BREAKERS OR FUSES?
 46 _____ PRIVATE OR PUBLIC POLES? _____ ANY KNOWN MATERIAL
 47 DEFECTS? YES NO UNKN NA (IF YES, EXPLAIN BELOW)
 48 [30.] 41. ARE THERE ANY FLOODING, DRAINAGE OR GRADING PROBLEMS THAT
 49 RESULTED IN STANDING WATER ON ANY PORTION OF THE PROPERTY? YES NO
 50 UNKN NA (IF YES, STATE LOCATIONS AND EXPLAIN BELOW)
 51 [31.] 42. DOES THE BASEMENT HAVE SEEPAGE THAT RESULTS IN STANDING
 52 WATER? YES NO UNKN NA (IF YES, EXPLAIN BELOW)

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

1	[32.]	43.	PLUMBING SYSTEM?	YES	NO	UNKN	NA
2	[33.]	44.	SECURITY SYSTEM?	YES	NO	UNKN	NA
3	[34.]	45.	CARBON MONOXIDE DETECTOR?	YES	NO	UNKN	NA
4	[35.]	46.	SMOKE DETECTOR?	YES	NO	UNKN	NA
5	[36.]	47.	FIRE SPRINKLER SYSTEM?	YES	NO	UNKN	NA
6	[37.]	48.	SUMP PUMP?	YES	NO	UNKN	NA
7	[38.]	49.	FOUNDATION/SLAB?	YES	NO	UNKN	NA
8	[39.]	50.	INTERIOR WALLS/CEILINGS?	YES	NO	UNKN	NA
9	[40.]	51.	EXTERIOR WALLS OR SIDING?	YES	NO	UNKN	NA
10	[41.]	52.	FLOORS?	YES	NO	UNKN	NA
11	[42.]	53.	CHIMNEY/FIREPLACE OR STOVE?	YES	NO	UNKN	NA
12	[43.]	54.	PATIO/DECK?	YES	NO	UNKN	NA
13	[44.]	55.	DRIVEWAY?	YES	NO	UNKN	NA
14	[45.]	56.	AIR CONDITIONER?	YES	NO	UNKN	NA
15	[46.]	57.	HEATING SYSTEM?	YES	NO	UNKN	NA
16	[47.]	58.	HOT WATER HEATER?	YES	NO	UNKN	NA
17	[48.]	59.	THE PROPERTY IS LOCATED IN THE				
18			FOLLOWING SCHOOL DISTRICT			UNKN	

19 NOTE: BUYER IS ENCOURAGED TO CHECK PUBLIC RECORDS CONCERNING THE PROP-
 20 ERTY (E.G. TAX RECORDS AND WETLAND AND FLOOD PLAIN MAPS)

21 THE SELLER SHOULD USE THIS AREA TO FURTHER EXPLAIN ANY ITEM ABOVE. IF
 22 NECESSARY, ATTACH ADDITIONAL PAGES AND INDICATE HERE THE NUMBER OF ADDI-
 23 TIONAL PAGES ATTACHED.

24 _____
 25 _____
 26 _____
 27 _____

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

38 SELLER _____ DATE _____
 39 SELLER _____ DATE _____

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

46 BUYER _____ DATE _____
 47 BUYER _____ DATE _____

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

3 S 606-A. CREDITS AGAINST TAX FOR RESIDENTIAL WELL TESTING. A TAXPAYER
4 SHALL BE ALLOWED CREDIT FOR THE ACTUAL COST OF THE RESIDENTIAL WELL
5 TESTING OR AN AMOUNT NOT TO EXCEED THE SCHEDULE OF COSTS CONTAINED IN
6 PARAGRAPH (A) OF SUBDIVISION FOUR OF SECTION ELEVEN HUNDRED TEN OF THE
7 PUBLIC HEALTH LAW, WHICHEVER IS LESS, AGAINST THE TAX IMPOSED BY THIS
8 ARTICLE.

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

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