

## PRIVATE WELL TESTING FAQ's (As answered on the State of New Jersey Website.)

**Q1:** What does the Private Well Testing Act, N.J.S.A. 58:12A-26 et seq. (PWTA) require?

**A1:** The Act requires that, when property with certain types of drinking water wells is sold or leased, the well water must be tested for contaminants. The results of the water testing must be reviewed by both the buyer and seller, or in the case of a leased property, by the lessee.

**Q2:** What types of properties are subject to the testing requirement?

**A2:** The Act covers SALES of two types of properties, and LEASES of other properties. Testing is required for the following:

- SALE of any property that gets its drinking water from a private well located on the property, **and**
- SALE of any property that gets its drinking water from a well that has less than 15 service connections or that does not regularly serve an average of at least 25 people daily at least 60 days out of each year.
- Leasing of any property that gets its drinking water from a private well that isn't required to be tested under to any other State law.

**Q3:** When in the real-estate sales process does testing have to happen? When the contract is signed? At the closing? What about rentals?

**A3:** The Act requires the following:

- Every **contract of sale** for a property subject to the Act must include a provision requiring the testing as a condition of the sale.
- A **closing** of the title of sale on a real property that is subject to the Act may not occur unless both the buyer and seller have received and reviewed a copy of the water test results, and have signed a paper certifying that they have received and reviewed a copy of the results.
- Every time a rental property subject to the Act is **leased**, a written copy of the most recent test results must be given to the lessee.

**Q4:** When do the testing requirements take effect?

**A4:** Every contract of sale executed on or after the effective date of the statute, September 14, 2002 for property subject to the Private Well Testing Act is required to meet the testing requirements. Testing is not required for real estate transactions that were already under contract before the statute went into effect (September 14, 2002). The testing requirement for leased properties must be completed by March 14, 2004, and at least once every five years thereafter.

While testing is not required under the law for real estate transactions under contract prior to September 14, 2002, the DEP recommends that well water be tested once a year or in connection with a real estate sale. This testing provides important water quality information that people and their families should know.

**Q5:** How much will the testing cost?

**A5:** Laboratories testing rates vary, depending on how hard it is to collect the sample, the location of the property in relation to the lab, and other factors. The DEP estimates that the average price will be between \$450 and \$650.

**Q6:** What will happen if the testing is not done? Will the property sale be void?

**A6:** Testing of your well water is important to your family's health. If testing is not done, you and your family may face a health risk and not know it. You may also be subject to enforcement action.

**Q7:** My property has public water for drinking, and also an on-site well used only for other purposes such as lawn watering. Does that well have to be tested?

**A7:** No. Only drinking water wells are subject. See [FAQ #2](#) above.

**Q8:** Does the testing requirement apply to drinking water wells at newly constructed residences?

**A8:** Yes, if the property is being sold or leased.