

Testimony of
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Water Well Construction Standards Legislation—HB 343
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Good morning Chairman Miller, Chairman Vitali and members of the committee. Thank you for inviting me to present testimony before the committee on HB 343 regarding Water Well Construction Standards.

In the October 2011 study done by the Center for Rural Pennsylvania, a bipartisan, bicameral legislative agency that serves as a resource for rural policy within the Pennsylvania General Assembly, it is estimated that there are one million private water wells in Pennsylvania with over 3 million residents using these wells as a primary water supply. Approximately 13,000 to 15,000 new residential water wells are drilled in Pennsylvania every year; when geothermal wells are taken into consideration the total number of wells drilled annually increases to approximately 20,000. The National Ground Water Association, as well as the Center for Rural Pennsylvania study, state that Pennsylvania and Alaska are the only two states that do not have construction standards established for private water wells.

In the absence of statewide standards smaller government units will take in the responsibility, for example, three counties have developed and implemented well construction standards; Bucks, Chester, and Montgomery. Recently, several municipalities in the central region of the state have passed well bore ordinances which capture both water well construction and geothermal well construction.

Contamination of private wells can occur naturally or through human impacts. For example, leaching of elements like iron or arsenic from bedrock occurs naturally; while leaching of bacteria from a septic system is a result of human influence. Treatment systems are available to address most types of contamination. However, the first line of defense should be prevention. A properly sited and constructed well can prevent most human influences, such as contaminated surface water, from contaminating groundwater.

Each well creates an opportunity for surface water pollution to find its way into groundwater and for pollution to travel from one aquifer to another underground. Several studies have documented the occurrence of various water contaminants in private water systems. Large scale national and statewide studies typically report that about 15 to 50 percent of private water systems fail at least one safe drinking water standard and the Center for Rural Pennsylvania study states that 40% of private wells already exhibited a failure of some Safe Drinking Water Act parameter.

Pennsylvania is fortunate to have an ample clean supply of water. We should have adequate measures in place to help protect that valuable resource. Proper well construction would be one piece of the puzzle to providing further protection of groundwater.

DEP believes that HB 343 is a step in the right direction towards establishing statewide standards for water well construction. Previous legislative attempts to establish water well construction standards have proven unsuccessful. Legislation was introduced in the House of Representatives in 2001 and opponents mounted a large misinformation campaign that purported that the legislation would give DEP the power to put meters on homeowner's wells and charge for the water use, and that DEP inspectors would be trespassing on citizen's properties demanding compliance. This was not the case; however it resulted in a large letter writing campaign to legislators that stopped the legislation from proceeding forward. So from the start, DEP wants to be clear what this legislation is and is not.

This legislation does not give DEP or the Commonwealth the authority to charge a fee for private water usage; it does not give the power to install water meters on private wells; it does not grant the power for DEP or the Commonwealth to shut a person's well off or regulate the amount of water a private well owner can use.

What this legislation does do, is establish the basis for water well construction standards to be developed through a public rulemaking process thereby closing potential sources of contamination to groundwater.

In addition to identifying what this legislation is and isn't, it is also important to look at what is already in place and what is needed to improve the well drillers program going forward. Currently, under Act 610 of 1956, the Well Driller's Licensing Act, water well drillers are required to register for a license with the Department of Conservation and Natural Resources (DCNR) and also complete a drilling record for submittal to DCNR. However, there are no minimum requirements to obtain a license; one just needs to fill out the form and purchase a drilling rig and they can go to work.

DEP would respectfully recommend that the legislation consider the possibility of including minimum requirements for licensing, along with continuing education requirements. There are many good operators in the Commonwealth and we should utilize them as a resource to assist in the further development of Pennsylvania's well driller program.

Pennsylvania is very fortunate to have an ample clean supply of both surface water and groundwater. Legislation that establishes water well construction standards, and raises the bar on the importance and competence of the professionals in the industry will help protect our valuable water resources for generations to come.

Thank you for allowing me to present testimony before the committee on behalf of DEP and I would be happy to answer any questions you may have.