

# TAKE JUDICIAL NOTICE

## Well Testing To Be Mandatory In Westchester County

**November 15, 2007**

Pursuant to Local Law No. 7 effective for contracts executed after November 19, 2007 well testing will be mandatory in Westchester County.

Only wells that provide potable water must be tested.

Sales, leases, and newly installed wells are covered by the law.

The seller of real property with such a well must conduct a test within 10 days of the execution of the contract. Five days after the results are received they must be sent to the buyer.

If the well fails the test, there are three options:

- 1) the condition can be corrected by the seller
- 2) the seller can cancel the contract
- 3) the parties can agree, in writing, that the purchaser will correct the condition within 60 days of closing, or as soon as is practicable.

The primary parameters that will be tested for are:

- 1) bacteria/total chloroform
- 2) nitrates
- 3) arsenic
- 4) lead
- 5) primary organic contaminants
- 6) vinyl chloride and MTBE

The test must be conducted by the employee of a certified lab. The county will be publishing a list of certified labs.

The following are proposed contract clauses:

- A) Seller represents that the premises described herein are not serviced by a well providing potable water, and are not subject to the provisions of Westchester Local Law No. 7 of 2007,

Or in the alternative:

- B) The premises are serviced by a well providing potable water. Seller agrees to conduct a test of said well. The test will be done by a certified lab within 10 days of the execution of this contract. The results will be furnished to the buyer with 5 days of receipt by seller. In the event the well fails the test the Seller has the option to correct the condition or cancel the contract and refund the down payment paid hereunder. In the event the seller elects to correct the condition, he shall have 60 days to do so, but in no event beyond the expiration of the Buyer's mortgage commitment.