

HOUSE BILL 1541

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M3

2004 Regular Session  
(4r3213)

**ENROLLED BILL**

-- Environmental Matters/Education, Health, and Environmental Affairs --

Introduced by **Delegates Cane, Bozman, G. Clagett, Conway, and Heller**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER 555

1 AN ACT concerning

2 **Environment - ~~Well Permit Fees~~ - ~~Removal of Cap~~ Well Permits - Fees**

3 FOR the purpose of altering the cap on certain well permit fees that a county board of  
4 health may establish to defray certain expenses in inspecting ~~and testing~~ wells,  
5 collecting water samples, and issuing certificates of potability; requiring a county  
6 board of health to accept certain test results prepared by certain laboratories for  
7 the issuance of a certain certificate; requiring a county board of health to issue a  
8 certain permit within a reasonable period of time after receipt of a certain  
9 application; and generally relating to well ~~permit fees~~ permits.

10 BY repealing and reenacting, with amendments,  
11 Article - Environment  
12 Section 9-1307  
13 Annotated Code of Maryland  
14 (1996 Replacement Volume and 2003 Supplement)

1 Preamble

2 WHEREAS, Local health departments across Maryland are responsible for the  
3 inspection and testing of residential and commercial wells; and

4 WHEREAS, The inspection ~~and testing~~ of wells is essential to the protection of  
5 the public health of the community; and

6 WHEREAS, The current well permit fee cap of \$80 per well has been in effect  
7 since 1984 and does not cover the expenses incurred by local health departments in  
8 performing the work necessary to insure the protection of public health; now,  
9 therefore,

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article - Environment**

13 9-1307.

14 (a) In applying for a permit to drill a well, the well driller shall give the  
15 Department any information the Department requires.

16 (b) As a condition to issuing a permit to drill a well, the Department may  
17 require that samples of the materials encountered in drilling the well be preserved  
18 and submitted to the Department.

19 (c) (1) (I) A county board of health may establish a permit fee to defray  
20 county expenses in inspecting ~~and testing~~ wells, COLLECTING WATER SAMPLES, AND  
21 ISSUING CERTIFICATES OF POTABILITY.

22 (II) FOR AN INTERIM CERTIFICATE OF POTABILITY, A COUNTY  
23 BOARD OF HEALTH SHALL ACCEPT INITIAL TEST RESULTS PREPARED BY A PRIVATE  
24 STATE CERTIFIED LABORATORY.

25 (2) (I) The fee may be charged before a permit required under §  
26 9-1306 of this subtitle is issued.

27 (II) The fee may not exceed [\$80] ~~\$180~~ \$160 per well or [\$80] ~~\$180~~  
28 \$160 per cluster of wells to be used exclusively to transfer heat to or from the ground  
29 or groundwater.

30 (3) A permit shall be ISSUED WITHIN A REASONABLE PERIOD OF TIME  
31 AFTER RECEIPT OF THE APPLICATION AND SHALL BE valid for a period of 12 months  
32 from the date of issuance by the approved delegated permitting authority.

33 (d) A county board of health may waive a fee for a well that is drilled to replace  
34 a well not in conformity with the regulations adopted under § 9-1305 of this subtitle.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 July 1, 2004.