

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 888

(Delegate Malone, *et al.*)

Environmental Matters

Education, Health, and Environmental Affairs

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Well Drillers - Permit and License Requirements - Exceptions

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This bill exempts specified persons from obtaining a well-drilling permit from the Maryland Department of the Environment (MDE) or a well driller's license from the State Board of Well Drillers. A permit or license is not required if the person, after having notified the county board of health, installs a temporary dewatering device to facilitate the installation of underground utilities under specified conditions.

The bill takes effect June 1, 2005.

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Fiscal Summary

**State Effect:** Potential minimal decrease in general fund revenues from well driller's license fees. Expenditures would not be materially affected.

**Local Effect:** Minimal decrease in local revenues from well-drilling permit fees. Local expenditures would not be materially affected.

**Small Business Effect:** Minimal.

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Analysis

**Bill Summary:** For a person to be exempt, the device must: (1) be installed 30 feet or less below the ground surface; (2) not be located in any trench used for the installation of underground utilities; (3) contain no mechanical pumping equipment below the surface; and (4) be removed within 30 days after installation. However, a person who installs

such a device must restore the subsurface conditions of the installation area as nearly as possible to the conditions that existed before the installation.

**Current Law:** In general, a person must be licensed by the State Board of Well Drillers before the person may practice well drilling in the State. To qualify for a license, an applicant must meet any reasonable qualifications or requirements that the board establishes, submit an application, and pay an application fee set by the board. The board requires that applicants pass an examination, meet specified experience requirements, post performance bonds, and have insurance. The current application fee is \$50. Initial license fees range from \$50 to \$150. The board is required to pay any fees collected into the general fund.

A person may not drill a well in Maryland unless the person obtains a permit. MDE has delegated the authority to issue well-drilling permits to local health departments. A county board of health may establish a permit fee to defray the cost of inspecting and testing wells. The fee may be charged before a permit is issued but may not exceed \$160 per well or \$160 per cluster of wells. A county board of health may waive the fee under specified conditions.

**State Revenues:** General fund revenues from well driller's license fees could decrease minimally to the extent that the bill results in a decrease in the number of well driller's licenses issued by the State Board of Well Drillers. MDE advises that approximately 12,000 wells are drilled each year. The majority of wells are drilled for single lot residential development. The number of wells drilled to conduct temporary dewatering to facilitate the installation of underground utilities represents a small percentage of the State's total well-drilling activity.

**Local Revenues:** Currently, local health departments may charge a fee of up to \$160 for a well-drilling permit. The number of persons who would no longer need a permit is unknown but anticipated to be minimal.

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### **Additional Information**

**Prior Introductions:** Similar legislation was introduced as SB 348/HB 904 of 2003 and SB 650/HB 788 of 2002. The Senate bills received unfavorable reports by the Senate Education, Health, and Environmental Affairs Committee. The House Environmental Matters Committee held a hearing on HB 904 of 2003 but no further action was taken. HB 788 of 2002 passed the House and was referred to the Senate Education, Health, and Environmental Affairs Committee but no further action was taken.

**Cross File:** SB 531 (Senator Brochin) – Education, Health, and Environmental Affairs.

**Information Source(s):** Maryland Department of the Environment, Baltimore City, Calvert County, Caroline County, Montgomery County, Department of Legislative Services

**Fiscal Note History:** First Reader - February 17, 2005  
ncs/ljm Revised - House Third Reader - March 23, 2005

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Analysis by: Lesley G. Cook

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510