

HOUSE BILL 11

M3, N1
HB 250/22 – ENT

(PRE-FILED)

3lr0942

By: **Delegate Stewart**

Requested: November 18, 2022

Introduced and read first time: January 11, 2023

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Private Well Safety Act of 2023**

3 FOR the purpose of establishing the Private Well Safety Program in the Department of the
4 Environment to manage and, subject to the availability of certain funding, address
5 the contamination of certain private and domestic water supply wells in the State;
6 establishing the Private Well Safety Fund to award grants to certain counties and
7 households for costs associated with water quality testing and remediation;
8 requiring the Department to utilize an online portal to receive and upload certain
9 information and to provide public access to the information; requiring a
10 State-certified laboratory that conducts water quality testing of certain wells to
11 submit to the Department certain results of water quality testing in a certain
12 manner; requiring a contract for the sale of real property on which a certain well is
13 located to include a provision requiring, as a condition of the sale, that the purchaser
14 ensure that certain water quality testing be conducted; and generally relating to
15 private and domestic water supply wells in the State.

16 BY adding to

17 Article – Environment

18 Section 9-4A-01 to be under the new part “Part I. Definitions”; 9-4A-04 through
19 9-4A-10 to be under the new part “Part II. Program and Fund”; and 9-4A-13
20 to be under the new part “Part III. Private Well Water Quality Database”

21 Annotated Code of Maryland

22 (2014 Replacement Volume and 2022 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article – Environment

25 Section 9-4A-01 to be under the new part “Part IV. Residential Rental Property”

26 Annotated Code of Maryland

27 (2014 Replacement Volume and 2022 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Real Property
3 Section 10–713
4 Annotated Code of Maryland
5 (2015 Replacement Volume and 2022 Supplement)

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

8 **Article – Environment**

9 **PART I. DEFINITIONS.**

10 **9–4A–01.**

11 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
12 INDICATED.

13 (B) “CONTAMINATION” MEANS THAT WATER QUALITY TESTING FOR A
14 COVERED HOUSEHOLD DEMONSTRATED THAT:

15 (1) A SUBSTANCE IS PRESENT THAT EXCEEDS THE LEGAL
16 THRESHOLD LIMIT ON THE AMOUNT OF THE SUBSTANCE THAT IS ALLOWED IN A
17 PUBLIC WATER SYSTEM UNDER THE FEDERAL SAFE DRINKING WATER ACT; OR

18 (2) THERE IS A HARMFUL LEVEL OF ANOTHER CONTAMINANT, AS
19 DETERMINED BY THE DEPARTMENT.

20 (C) “COVERED HOUSEHOLD” MEANS ONE OR MORE INDIVIDUALS WHO
21 RESIDE AT A PROPERTY THAT IS SERVED BY A PRIVATE WELL.

22 (D) “ELIGIBLE COUNTY” MEANS A COUNTY THAT:

23 (1) IS AWARDED A GRANT UNDER THE FUND FOR DISTRIBUTION TO
24 COVERED HOUSEHOLDS TO ASSIST WITH THE COSTS OF WATER QUALITY TESTING
25 AND REMEDIATION; AND

26 (2) MEETS THE ELIGIBILITY REQUIREMENTS ESTABLISHED UNDER §
27 9–4A–08 OF THIS SUBTITLE.

28 (E) “FUND” MEANS THE PRIVATE WELL SAFETY FUND.

29 (F) “INELIGIBLE COUNTY” MEANS A COUNTY THAT HAS NOT BEEN AWARDED
30 A GRANT UNDER THE FUND.

1 (G) "MAXIMUM CONTAMINANT LEVEL" MEANS A STANDARD THAT IS:

2 (1) SET BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY OR THE
3 DEPARTMENT FOR DRINKING WATER QUALITY; AND

4 (2) THE LEGAL THRESHOLD LIMIT ON THE AMOUNT OF A SUBSTANCE
5 THAT IS ALLOWED IN A PUBLIC WATER SYSTEM UNDER THE FEDERAL SAFE
6 DRINKING WATER ACT.

7 (H) "PRIVATE WELL" MEANS A PRIVATE OR DOMESTIC WATER SUPPLY WELL
8 THAT IS A SOURCE OF POTABLE WATER.

9 (I) "PROGRAM" MEANS THE PRIVATE WELL SAFETY PROGRAM.

10 (J) "REMEDIATION" INCLUDES:

11 (1) THE DRILLING OF A NEW WELL; AND

12 (2) CONNECTION TO A PUBLIC WATER SUPPLY.

13 (K) (1) "WATER QUALITY TESTING" MEANS WATER QUALITY SAMPLING,
14 TESTING, AND ANALYSIS:

15 (I) CONDUCTED BY A STATE-APPROVED WATER SAMPLER AND
16 A STATE-APPROVED LABORATORY FOR A PRIVATE WELL; AND

17 (II) OF WHICH THE MINIMUM SAMPLING CRITERIA INCLUDE
18 BACTERIA, NITRATE, AND TURBIDITY.

19 (2) "WATER QUALITY TESTING" INCLUDES WATER QUALITY
20 SAMPLING OF ANY CONTAMINANT OF CONCERN, AS DETERMINED BY THE
21 DEPARTMENT.

22 9-4A-02. RESERVED.

23 9-4A-03. RESERVED.

24 PART II. PROGRAM AND FUND.

25 9-4A-04.

26 (A) THERE IS A PRIVATE WELL SAFETY PROGRAM IN THE DEPARTMENT.

1 **(B) THE PURPOSE OF THE PROGRAM IS TO MANAGE AND, SUBJECT TO THE**
2 **AVAILABILITY OF FUNDING IN THE FUND, ADDRESS THE CONTAMINATION OF**
3 **PRIVATE WELLS IN THE STATE.**

4 **(C) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS**
5 **SUBTITLE.**

6 **9-4A-05.**

7 **(A) THERE IS A PRIVATE WELL SAFETY FUND.**

8 **(B) THE PURPOSE OF THE FUND IS TO AWARD GRANTS TO ELIGIBLE**
9 **COUNTIES AND COVERED HOUSEHOLDS IN INELIGIBLE COUNTIES FOR COSTS**
10 **ASSOCIATED WITH WATER QUALITY TESTING AND REMEDIATION.**

11 **(C) THE SECRETARY SHALL ADMINISTER THE FUND.**

12 **(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
13 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

14 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**
15 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

16 **(E) THE FUND CONSISTS OF:**

17 **(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**
18 **AND**

19 **(2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**
20 **THE BENEFIT OF THE FUND.**

21 **(F) THE FUND MAY BE USED ONLY FOR AWARDING GRANTS:**

22 **(1) TO ELIGIBLE COUNTIES FOR DISTRIBUTION TO COVERED**
23 **HOUSEHOLDS TO ASSIST WITH THE COSTS ASSOCIATED WITH WATER QUALITY**
24 **TESTING AND REMEDIATION; AND**

25 **(2) TO COVERED HOUSEHOLDS LOCATED IN AN INELIGIBLE COUNTY**
26 **TO ASSIST WITH THE COSTS ASSOCIATED WITH WATER QUALITY TESTING AND**
27 **REMEDICATION.**

28 **9-4A-06.**

1 **(A) THE DEPARTMENT SHALL ESTABLISH A GRANT APPLICATION PROCESS**
2 **FOR AWARDING A GRANT UNDER THE FUND IN ACCORDANCE WITH THIS SUBTITLE.**

3 **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
4 **DEPARTMENT MAY ESTABLISH A GRANT APPLICATION FEE.**

5 **(2) (I) THE APPLICATION FEE FOR AN AWARD FOR WATER QUALITY**
6 **TESTING MAY NOT EXCEED \$10; AND**

7 **(II) THE APPLICATION FEE FOR AN AWARD FOR REMEDIATION**
8 **MAY NOT EXCEED \$250.**

9 **(3) THE DEPARTMENT MAY WAIVE THE APPLICATION FEE ON A**
10 **CASE-BY-CASE BASIS, BASED ON HOUSEHOLD INCOME.**

11 **(C) IN AN APPLICATION FOR A GRANT AWARD UNDER THE FUND, A**
12 **COVERED HOUSEHOLD SHALL SUBMIT A COPY OF ITS MOST RECENT STATE INCOME**
13 **TAX RETURN OR AN AFFIDAVIT OF:**

14 **(1) A FILING OF A HOUSEHOLD INCOME EXEMPTION;**

15 **(2) A HOUSEHOLD INCOME REDUCTION; OR**

16 **(3) THE PROJECTED HOUSEHOLD INCOME FOR THE CURRENT YEAR.**

17 **9-4A-07.**

18 **THE DEPARTMENT SHALL:**

19 **(1) PROVIDE NOTICE TO EACH COUNTY OF:**

20 **(I) THE FUND; AND**

21 **(II) THE GRANT APPLICATION PROCESS ESTABLISHED UNDER §**
22 **9-4A-06 OF THIS SUBTITLE;**

23 **(2) FOR THE PURPOSE OF INFORMING COVERED HOUSEHOLDS IN**
24 **INELIGIBLE COUNTIES, PUBLISH ON ITS WEBSITE INFORMATION ON:**

25 **(I) THE FUND; AND**

26 **(II) THE GRANT APPLICATION PROCESS; AND**

27 **(3) FOR THE PURPOSE OF INFORMING PRIVATE WELL OWNERS,**
28 **PUBLISH ON ITS WEBSITE INFORMATION ON WATER QUALITY TESTING, INCLUDING:**

1 (I) RESOURCES FOR WATER QUALITY TESTING AND
2 REMEDIATION;

3 (II) CONTACT INFORMATION FOR LICENSED WELL DRILLERS,
4 PUMP INSTALLERS, AND STATE-CERTIFIED WATER QUALITY TESTING
5 LABORATORIES;

6 (III) INFORMATION ON POTENTIAL CONTAMINANTS OF
7 CONCERN IN THE STATE, BY REGION OR GROUNDWATER AQUIFER; AND

8 (IV) INFORMATION ON THE IMPORTANCE OF ANNUAL TESTING.

9 9-4A-08.

10 A COUNTY IS ELIGIBLE TO RECEIVE A GRANT AWARD IN ACCORDANCE WITH
11 THIS SUBTITLE IF THE COUNTY AGREES TO ENGAGE IN OUTREACH ACTIVITIES:

12 (1) TO EDUCATE COUNTY RESIDENTS ON THE EXISTENCE AND
13 PURPOSE OF THE FUND AND ON THE IMPORTANCE OF ANNUALLY TESTING WELL
14 WATER FOR CONTAMINANTS; AND

15 (2) THAT, AT A MINIMUM, INCLUDE:

16 (I) PUBLISHING INFORMATION ON THE COUNTY'S WEBSITE;

17 (II) PROVIDING INFORMATION TO RESIDENTS OVER THE
18 TELEPHONE WHEN A RESIDENT CALLS THE COUNTY ABOUT WATER QUALITY
19 TESTING OR REMEDIATION OR THE PROGRAM; AND

20 (III) SUBMITTING THE ANNUAL REPORT TO THE DEPARTMENT
21 IN ACCORDANCE WITH § 9-4A-10 OF THIS SUBTITLE.

22 9-4A-09.

23 (A) IN ACCORDANCE WITH THIS SUBTITLE, AND SUBJECT TO THE
24 AVAILABILITY OF FUNDING IN THE FUND, THE DEPARTMENT MAY AWARD A GRANT
25 UNDER THE FUND TO:

26 (1) AN ELIGIBLE COUNTY FOR DISTRIBUTION TO COVERED
27 HOUSEHOLDS TO ASSIST WITH THE COSTS ASSOCIATED WITH WATER QUALITY
28 TESTING AND REMEDIATION; AND

1 **(2) A COVERED HOUSEHOLD LOCATED IN AN INELIGIBLE COUNTY TO**
2 **ASSIST WITH THE COSTS ASSOCIATED WITH WATER QUALITY TESTING AND**
3 **REMEDICATION.**

4 **(B) IN AWARDING A GRANT TO AN ELIGIBLE COUNTY UNDER THIS SUBTITLE,**
5 **THE DEPARTMENT MAY CONSIDER:**

6 **(1) THE ESTIMATED PROPORTION OF COVERED HOUSEHOLDS IN THE**
7 **ELIGIBLE COUNTY;**

8 **(2) THE COUNTY'S SPECIFIC NEEDS RELATED TO THE COSTS OF**
9 **ADMINISTERING AND IMPLEMENTING GRANTS UNDER THE FUND;**

10 **(3) THE COUNTY'S NEED TO ADDRESS PUBLIC HEALTH CONCERNS OR**
11 **SPECIFIC CONTAMINATION CONCERNS; AND**

12 **(4) ANY OTHER RELEVANT FACTOR, AS DETERMINED BY THE**
13 **DEPARTMENT.**

14 **(C) (1) THE DEPARTMENT OR AN ELIGIBLE COUNTY SHALL:**

15 **(I) BASE THE DOLLAR AMOUNT OF A GRANT AWARD FOR WATER**
16 **QUALITY TESTING ON:**

17 1. **SAMPLING PARAMETERS AND COSTS; AND**

18 2. **AN INCOME GUIDELINE SCALE ESTABLISHED BY THE**
19 **DEPARTMENT; AND**

20 **(II) BASE THE DOLLAR AMOUNT OF A GRANT AWARD FOR**
21 **REMEDICATION ON AN INCOME GUIDELINE SCALE ESTABLISHED BY THE**
22 **DEPARTMENT.**

23 **(2) THE DEPARTMENT OR AN ELIGIBLE COUNTY MAY AWARD A GRANT**
24 **FOR UP TO 100% OF THE COSTS ASSOCIATED WITH WATER QUALITY TESTING AND**
25 **REMEDICATION TO A COVERED HOUSEHOLD THAT CAN DEMONSTRATE HOUSEHOLD**
26 **INCOME BELOW 50% OF THE STATE'S MEDIAN INCOME LEVEL.**

27 **(D) (1) THIS SUBSECTION APPLIES TO A GRANT AWARD FOR THE COSTS**
28 **ASSOCIATED WITH REMEDIATION.**

29 **(2) A COVERED HOUSEHOLD SHALL, ON SATISFACTORY COMPLETION**
30 **OF THE REMEDIATION PROJECT, MAKE PAYMENT DIRECTLY TO THE LICENSED WELL**

1 DRILLER, WATER CONDITIONER INSTALLER, OR PUMP INSTALLER THAT HAS BEEN
2 CONTRACTED TO PERFORM THE REMEDIATION PROJECT.

3 (E) THE DEPARTMENT OR AN ELIGIBLE COUNTY MAY NOT AWARD A GRANT
4 UNDER THE FUND FOR COSTS ASSOCIATED WITH:

5 (1) ANY WORK OR TESTING CONDUCTED BEFORE THE GRANT AWARD
6 WAS APPROVED BY THE DEPARTMENT OR ELIGIBLE COUNTY;

7 (2) WELLS SERVING COMMERCIAL ESTABLISHMENTS;

8 (3) PRIVATE WELLS THAT DO NOT MEET THE ESTABLISHED
9 CONTAMINATION CRITERIA;

10 (4) DUG WELLS; AND

11 (5) POINT-DRIVEN WELLS.

12 (F) A COVERED HOUSEHOLD MAY NOT RECEIVE A GRANT AWARD UNDER
13 THIS SECTION MORE THAN TWICE A YEAR, INCLUDING ONE GRANT AWARD FOR
14 WATER QUALITY TESTING AND ONE GRANT AWARD FOR REMEDIATION.

15 (G) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IDENTIFY A LIST OF
16 ADDITIONAL STANDARDS FOR WATER QUALITY TESTING THAT THE DEPARTMENT
17 DEEMS NECESSARY FOR EACH COUNTY OR ANY SPECIFIC AREA WITHIN A COUNTY,
18 INCLUDING REQUIRING, AS APPROPRIATE, TESTING FOR:

19 (1) MANGANESE;

20 (2) ARSENIC;

21 (3) RADON;

22 (4) MERCURY; AND

23 (5) ALL VOLATILE ORGANIC COMPOUNDS FOR WHICH THERE IS A
24 MAXIMUM CONTAMINANT LEVEL.

25 9-4A-10.

26 (A) ON OR BEFORE SEPTEMBER 1 EACH YEAR, A COUNTY THAT RECEIVED A
27 GRANT AWARD IN ACCORDANCE WITH THIS SUBTITLE SHALL SUBMIT TO THE
28 DEPARTMENT A REPORT THAT INCLUDES, FOR THE IMMEDIATELY PRECEDING
29 FISCAL YEAR:

1 **(1) THE LOCATIONS OF COVERED HOUSEHOLDS THAT RECEIVED A**
2 **GRANT AWARD;**

3 **(2) THE DOLLAR AMOUNT AWARDED TO EACH HOUSEHOLD,**
4 **CATEGORIZED BY FUNDING FOR WATER QUALITY TESTING AND REMEDIATION;**

5 **(3) THE TOTAL NUMBER OF WATER QUALITY TESTS CONDUCTED**
6 **UNDER THE PROGRAM AND THE PROPORTION THAT DETECTED A SUBSTANCE THAT**
7 **EXCEEDS THE MAXIMUM CONTAMINANT LEVEL FOR THAT SUBSTANCE,**
8 **CATEGORIZED BY CENSUS TRACT OR OTHER IDENTIFYING FACTORS;**

9 **(4) THE NUMBER OF WATER QUALITY TESTS CONDUCTED WITHIN THE**
10 **PREVIOUS 12-MONTH PERIOD AND THE PROPORTION THAT DETECTED A**
11 **SUBSTANCE THAT EXCEEDS THE MAXIMUM CONTAMINANT LEVEL FOR THAT**
12 **SUBSTANCE, CATEGORIZED BY CENSUS TRACT OR OTHER IDENTIFYING FACTORS;**

13 **(5) THE LOCATION OF AREAS OF POTENTIAL CONCERN;**

14 **(6) THE MOST COMMONLY DETECTED CONTAMINANTS OF CONCERN,**
15 **CATEGORIZED BY CENSUS TRACT OR OTHER IDENTIFYING FACTORS;**

16 **(7) ANY OTHER INFORMATION TO FURTHER EXPLAIN OR QUALIFY**
17 **THE INFORMATION INCLUDED IN THE REPORT; AND**

18 **(8) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.**

19 **(B) ON OR BEFORE JANUARY 1 EACH YEAR, THE DEPARTMENT SHALL**
20 **REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE**
21 **STATE GOVERNMENT ARTICLE, ON:**

22 **(1) THE TOTAL NUMBER OF WATER QUALITY TESTS CONDUCTED**
23 **UNDER THE PROGRAM AND THE PROPORTION THAT DETECTED A SUBSTANCE THAT**
24 **EXCEEDS THE MAXIMUM CONTAMINANT LEVEL FOR THAT SUBSTANCE,**
25 **CATEGORIZED BY COUNTY AND CENSUS TRACT OR OTHER IDENTIFYING FACTORS;**

26 **(2) THE NUMBER OF WATER QUALITY TESTS CONDUCTED WITHIN THE**
27 **PREVIOUS 12-MONTH PERIOD AND THE PROPORTION THAT DETECTED A**
28 **SUBSTANCE THAT EXCEEDS THE MAXIMUM CONTAMINANT LEVEL FOR THAT**
29 **SUBSTANCE, CATEGORIZED BY COUNTY AND CENSUS TRACT OR OTHER IDENTIFYING**
30 **FACTORS;**

31 **(3) THE LOCATION OF AREAS OF KNOWN CONTAMINATION;**

1 **(4) A DESCRIPTION OF THE BENEFITS REALIZED AND DEFICIENCIES**
2 **ADDRESSED AS A RESULT OF THE PROGRAM AND RECOMMENDATIONS FOR ANY**
3 **APPROPRIATE LEGISLATIVE ACTION; AND**

4 **(5) THE MOST COMMONLY DETECTED CONTAMINANTS OF CONCERN,**
5 **CATEGORIZED BY CENSUS TRACT OR OTHER IDENTIFYING FACTORS.**

6 **9-4A-11. RESERVED.**

7 **9-4A-12. RESERVED.**

8 **PART III. PRIVATE WELL WATER QUALITY DATABASE.**

9 **9-4A-13.**

10 **(A) THE DEPARTMENT SHALL UTILIZE AN ONLINE PORTAL:**

11 **(1) TO RECEIVE THE RESULTS OF WATER QUALITY TESTING FROM**
12 **STATE-CERTIFIED LABORATORIES AND THE MARYLAND GEOLOGICAL SURVEY;**

13 **(2) TO UPLOAD CERTIFICATES OF POTABILITY AS REQUIRED UNDER**
14 **COMAR 26.04.04.30, RESULTS OF WATER QUALITY TESTING, AND OTHER**
15 **RELEVANT INFORMATION SUBMITTED TO THE DEPARTMENT RELATED TO PRIVATE**
16 **WELLS, ON AT LEAST A QUARTERLY BASIS; AND**

17 **(3) TO PROVIDE PUBLIC ACCESS TO THE INFORMATION RECEIVED**
18 **UNDER ITEMS (1) AND (2) OF THIS SUBSECTION IN A MANNER THAT IS EASY TO USE**
19 **AND CATEGORIZED BY COUNTY.**

20 **(B) ON AN ONGOING BASIS, A COUNTY MAY SUBMIT TO THE DEPARTMENT**
21 **RECORDS OF CERTIFICATES OF POTABILITY, AS REQUIRED UNDER COMAR**
22 **26.04.04.30, AND ANY RESULTS OF WATER QUALITY TESTING RECEIVED**
23 **VOLUNTARILY FROM RESIDENTS.**

24 **(C) ON A QUARTERLY BASIS, A STATE-CERTIFIED LABORATORY THAT**
25 **CONDUCTS WATER QUALITY TESTING OF PRIVATE WELLS FOR THE PURPOSE OF**
26 **IMPLEMENTING THIS SUBTITLE SHALL SUBMIT TO THE DEPARTMENT THE RESULTS**
27 **OF EACH WATER QUALITY TEST CONDUCTED BY THE LABORATORY IN A MANNER**
28 **DETERMINED BY THE DEPARTMENT.**

29 **9-4A-14. RESERVED.**

30 **9-4A-15. RESERVED.**

PART IV. RESIDENTIAL RENTAL PROPERTY.~~[9-4A-01.]~~ **9-4A-16.**

(a) An owner of residential rental property that is served by a private [water supply] well shall:

(1) Provide for water quality testing every 3 years;

(2) Disclose to a tenant the results of the water quality testing; and

(3) Notify a tenant:

(i) After any water quality test required under item (1) of this subsection is complete; and

(ii) Of the most recent water quality test when they sign a lease.

(b) (1) The requirements of this subsection apply when a private [water supply] well is contaminated by a substance that exceeds:

(i) The maximum contaminant level for that substance that is set by the U.S. Environmental Protection Agency for drinking water quality; or

(ii) A harmful level for that substance, as determined by the Department.

(2) When a water quality test reveals a private [water supply] well is contaminated, the owner of a residential rental property that is served by the well shall:

(i) Notify the Department and the local health department about the contamination;

(ii) Provide an approved potable water supply until the contamination is permanently remediated; and

(iii) Within 60 days of the date on which the owner knew of the contamination, resolve the issue, including by:

1. Providing an approved potable water supply on an ongoing basis;

2. Permanently remediating the contamination; or

3. Providing the tenant with the option to terminate the lease.

1 (c) (1) A person who violates a provision of this section is subject to a civil
2 penalty not exceeding \$1,000.

3 (2) A local health department may:

4 (i) Enforce this section; and

5 (ii) Collect the civil penalty provided under paragraph (1) of this
6 subsection.

7 (d) The Department shall adopt regulations to establish minimum criteria for
8 water quality testing required under this section.

9 **Article – Real Property**

10 **10-713.**

11 (A) IN THIS SECTION, “MAXIMUM CONTAMINANT LEVEL” AND “WATER
12 QUALITY TESTING” HAVE THE MEANINGS STATED IN § 9-4A-01 OF THE
13 ENVIRONMENT ARTICLE.

14 (B) (1) A CONTRACT FOR THE SALE OF REAL PROPERTY ON WHICH A
15 PRIVATE OR DOMESTIC WATER SUPPLY WELL IS LOCATED SHALL INCLUDE A
16 PROVISION REQUIRING, AS A CONDITION OF THE SALE, THAT THE PURCHASER
17 ENSURE THAT WATER QUALITY TESTING OF THE WELL BE CONDUCTED.

18 (2) (I) SETTLEMENT ON THE CONTRACT FOR THE SALE OF THE
19 REAL PROPERTY MAY NOT OCCUR UNTIL THE VENDOR AND THE PURCHASER HAVE
20 EACH RECEIVED AND REVIEWED THE RESULTS OF THE WATER QUALITY TESTING
21 CONDUCTED UNDER THIS SUBSECTION.

22 (II) AT SETTLEMENT ON THE CONTRACT FOR THE SALE OF THE
23 REAL PROPERTY, THE VENDOR AND THE PURCHASER SHALL EACH CERTIFY IN
24 WRITING THAT THEY HAVE RECEIVED AND REVIEWED THE RESULTS OF THE WATER
25 QUALITY TESTING.

26 (3) FOR THE PURPOSE OF THIS SUBSECTION, THE RESULTS OF THE
27 WATER QUALITY TESTING REMAIN VALID FOR 3 YEARS.

28 (4) A PURCHASER MAY WAIVE IN WRITING THE WATER QUALITY
29 TESTING REQUIREMENTS UNDER THIS SUBSECTION.

1 **(C) (1) THIS SUBSECTION APPLIES TO A STATE-CERTIFIED LABORATORY**
2 **THAT CONDUCTS WATER QUALITY TESTING FOR THE PURPOSE OF COMPLYING WITH**
3 **THIS SECTION.**

4 **(2) A STATE-CERTIFIED LABORATORY SHALL PROVIDE THE RESULTS**
5 **OF A WATER QUALITY TEST ON A STANDARDIZED REPORTING FORM, AS REQUIRED**
6 **BY THE DEPARTMENT OF THE ENVIRONMENT, THAT INCLUDES:**

7 **(I) A REPORT ON ANY SUBSTANCE THAT EXCEEDS:**

8 **1. THE MAXIMUM CONTAMINANT LEVEL FOR THAT**
9 **SUBSTANCE; OR**

10 **2. A HARMFUL LEVEL FOR THAT SUBSTANCE, AS**
11 **DETERMINED BY THE DEPARTMENT OF THE ENVIRONMENT; AND**

12 **(II) INFORMATION ON THE PRIVATE WELL SAFETY FUND**
13 **ESTABLISHED UNDER § 9-4A-05 OF THE ENVIRONMENT ARTICLE, INCLUDING THE**
14 **WEBSITE OF THE DEPARTMENT OF THE ENVIRONMENT ON WHICH INFORMATION ON**
15 **THE FUND IS POSTED.**

16 **(3) A STATE-CERTIFIED LABORATORY MAY PROVIDE THE RESULTS**
17 **OF WATER QUALITY TESTING ONLY TO:**

18 **(I) 1. THE VENDOR AND PURCHASER OF REAL PROPERTY**
19 **FOR WHICH THE WATER QUALITY TESTING WAS CONDUCTED; AND**

20 **2. ANY PERSON AUTHORIZED BY THE VENDOR OR**
21 **PURCHASER;**

22 **(II) THE DEPARTMENT OF THE ENVIRONMENT IN ACCORDANCE**
23 **WITH PARAGRAPH (4) OF THIS SUBSECTION; AND**

24 **(III) ANY PERSON DESIGNATED BY A COURT ORDER.**

25 **(4) WITHIN 5 BUSINESS DAYS AFTER COMPLETION OF WATER**
26 **QUALITY TESTING, A STATE-CERTIFIED LABORATORY SHALL SUBMIT TO THE**
27 **DEPARTMENT OF THE ENVIRONMENT THE RESULTS OF WATER QUALITY TESTING**
28 **AND INCLUDE THE FOLLOWING INFORMATION:**

29 **(I) A STATEMENT THAT THE WATER QUALITY TESTING IS FOR**
30 **THE PURPOSE OF COMPLYING WITH THIS SECTION;**

1 **(II) THE LOCATION OF THE REAL PROPERTY, DESCRIBED BY**
2 **BLOCK AND LOT NUMBER, STREET ADDRESS, COUNTY, AND, IF APPLICABLE,**
3 **MUNICIPALITY;**

4 **(III) THE NAME AND MAILING ADDRESS OF THE PERSON THAT**
5 **REQUESTED THE WATER QUALITY TESTING;**

6 **(IV) THE NAME OF THE EMPLOYEE OR AN AUTHORIZED**
7 **REPRESENTATIVE OF THE LABORATORY WHO COLLECTED THE WELL WATER**
8 **SAMPLE;**

9 **(V) THE DATE AND TIME THAT THE WELL WATER SAMPLE WAS**
10 **COLLECTED AND THE SPECIFIC POINT OF COLLECTION;**

11 **(VI) THE DATE AND TIME THE WELL WATER SAMPLE WAS**
12 **ANALYZED BY THE LABORATORY;**

13 **(VII) WHETHER THE WELL WATER SAMPLE IS RAW WATER OR**
14 **FINISHED WATER;**

15 **(VIII) THE WELL TAG NUMBER, IF KNOWN; AND**

16 **(IX) ANY OTHER INFORMATION REQUIRED BY THE**
17 **DEPARTMENT OF THE ENVIRONMENT.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2024.