

Testimony in Support of House Bill 1069 — Water Supply — Private Well Safety Program (Delegate Vaughn Stewart)

March 31, 2021

Dear Chairman Pinsky and Members of the Senate Education, Health, and Environmental Affairs Committee:

The **undersigned organizations** are grateful for the opportunity to submit written testimony in **support** of House Bill 1069. The bill would provide necessary safeguards for Marylanders who rent property on well water.

Maryland currently lags far behind most states in private well protections. In a 2020 report released by the Center for Progressive Reform (CPR), researchers found that among 10 key policies and programs that states have implemented to protect private well owners, Maryland ranked among the five states with the fewest protections.¹ Aside from basic construction and safety requirements and an initial water quality test when a new well is drilled, the state does not offer free or low-cost test kits, require notification of well testing results by property owners to potential homebuyers or tenants, or maintain a public database of well testing results. Furthermore, the Maryland Department of the Environment (MDE) has not reported to the General Assembly on the state's Groundwater Protection Program since 2013, leaving many wondering whether the state's groundwater resources are being regularly monitored.² The report referenced the need for greater groundwater monitoring and remediation efforts, but identified the dire need for funding as a major hurdle for MDE and other state agencies to continue its work.

House Bill 1069 seeks to protect tenants who drink well water on their rental property by requiring landlords to:

- Test well water, through a state approved laboratory, on any of their rental properties every three years and disclose the results to the existing tenant;
- Disclose the most recent well water quality testing results to any new tenant prior to signing the lease;
- Remediate contaminated well water within 60 days of testing;
 - Contamination occurs if test results show contamination above what the U.S. Environmental Protection Agency (EPA) has established as safe for public use through the Safe Drinking Water Act (i.e. Maximum Contaminant Levels)
- Provide a potable water supply to tenants until the contamination is remediated; and

¹ Minovi D and Schmitt K. *Tainted Tap: Nitrate Pollution, Factor Farms, and Drinking Water in Maryland and Beyond*. Center for Progressive Reform. Oct 2020. Available at <https://progressivereform.org/our-work/energy-environment/tainted-tap-nitrate/>.

² Maryland Department of the Environment. *Groundwater Protection Program Annual Report to the Maryland General Assembly 2013*. July 2013. Available at https://mde.maryland.gov/programs/Water/water_supply/Source_Water_Assessment_Program/Documents/FINAL_GWR%20report_1_2013%203_.pdf.

- Notify MDE and the appropriate local county health department whenever contamination is revealed through testing.

At least four other states -- including New Jersey, Connecticut, Florida, and Maine require similar testing and disclosure requirements for landlords.

Data suggest protections for well owners are desperately needed in Maryland. The aforementioned CPR report assessed the prevalence of nitrate—an odorless, colorless, and tasteless contaminant often found in groundwater—in private wells on the state’s Lower Eastern Shore. Common sources of nitrate include excess application of manure and fertilizer to fields, as well as septic system drainage. Researchers found that one in 25 wells tested in Wicomico and Worcester counties had nitrate levels above the EPA’s safe drinking water threshold.³

Nitrate levels above this threshold are known to cause blue baby syndrome, a condition fatal to infants through oxygen deprivation. Recent research has also linked nitrate consumption at levels below EPA’s threshold with an increased risk of cancer, particularly colon cancer, as well as pregnancy complications and thyroid disease.⁴ A 2021 study observed an association between well water usage and cancer, especially colon cancer, among private well users on the Lower Eastern Shore.⁵ Without a public database of well water quality tests or consistent groundwater monitoring, it’s nearly impossible to know whether well drinking water is safe. Data from the U.S. Geological Survey and the Chesapeake Bay Program show that nitrogen levels have steadily increased in Lower Eastern Shore waterways.⁶

These findings are nothing new to Maryland regulators. The aforementioned Groundwater Protection Report published in 2013 states that “Nitrate pollution in groundwater is becoming increasingly problematic, [...] Due to agricultural land use practices, nitrate concentrations in shallow waters of unconfined Coastal Plain aquifers on Maryland’s Eastern Shore commonly exceed the Federal Drinking Water Standard.”⁷ While MDE operates a Be Well Wise public education program, evidence suggests this isn’t enough. In a 2020 poll of Lower Eastern Shore residents, nearly three-quarters of private well owners stated that they had never tested their well water, or had not done so in the last year (the state recommends testing annually). The most common explanation for not testing was, “I didn’t know I needed to.” The survey also showed that lower-income residents were less likely to test their wells, indicating that testing costs may be a barrier to maintaining well safety.

³ Minovi and Schmitt, 2020.

⁴ Ward MH, et al. Drinking Water Nitrate and Human Health: An Updated Review. *Int J Environ Res Public Health*. 2018;15(7):1557.

⁵ DeRidder A, Kalluri S, and Holdai V. A Retrospective Chart Review Evaluating the Relationship Between Cancer Diagnosis and Residential Water Source on the Lower Eastern Shore of Maryland, USA. *Int J Environ Res Public Health*. 2021;8(1):145.

⁶ Aton SW and Denver JM. *Understanding Nutrients in the Chesapeake Bay Watershed and Implications for Management and Restoration—the Eastern Shore*. U.S. Geological Survey. 2015. Available at <https://pubs.usgs.gov/circ/1406/pdf/circ1406.pdf>; Chesapeake Bay Program. *Chesapeake Assessment and Scenario Tool, Version 2019*. Last visited September 27, 2020.

⁷ Maryland Department of the Environment, 2013.

Whether it is nitrates or another drinking water contaminant, House Bill 1069 is a critical first step to ensuring that Marylanders who rent have a right to safe, clean drinking water. It is well past time the state implements common sense protections to support private well users, especially lower-income families who may bear a disproportionate burden from unsafe drinking water. In an effort to safeguard Maryland's groundwater resources and protect the health of Maryland well users, we urge the Committee to adopt a **FAVORABLE** report on House Bill 1069.

Sincerely,

Assateague Coastal Trust
Catonsville Indivisibles
Center for a Livable Future
Center for Progressive Reform
Chesapeake Legal Alliance
Concerned Citizens Against Industrial CAFOs
DoTheMostGood Montgomery
Environmental Integrity Project
Food & Water Watch
Indivisible Central Maryland
Maryland Legislative Coalition
Potomac Riverkeeper Network
Protectors of the St. Martin River
Maryland Conservation Council
Maryland Campaign For Environmental Human Rights
Maryland Sierra Club
Maryland NAACP
Mattawoman Watershed Society
Mountain Maryland Movement
Sentinels for Eastern Shore Health
ShoreRivers
Southeast Rural Community Assistance Project (SERCAP), Delaware-Maryland
South Point Homeowners Association (Worcester County)
Waterkeepers Chesapeake
Worcester County NAACP
WISE