HB 1069 Geckle Favorable EHEA 3-31-21.pdf
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Position: FAV

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House Bill HB 1069 Water Supply –Private Well Safety Program

Senate Education, Health and Environmental Affairs Committee
March 31, 2021

POSITION: FAVORABLE

Currently Maryland does not require testing most private wells and does not document any test results that are done after the initial installation test. The only private wells that are required to be tested are commercial facilities regulated by the MD Dept. of Health and as a condition of their operating permit. Testing is needed to help ensure the citizens of Maryland are protected from groundwater contamination.

Passing HB 1069 as amended by the House will mean regular well testing for renters. This is a good start. But we need to quickly expand this program to requiring more testing statewide, tracking those results to spot areas of concern and importantly offering grants to fix these problems including polluting septic systems. We cannot simply pretend there is no problem because we are not testing for it. Other states like Florida that have a well surveillance program [(1)] have found contaminated wells and identified wells that maybe in danger of contamination.

Septic systems are a leading cause of well water contamination. There are approximately 450,000 septic systems in Maryland and the EPA estimates 10% of those fail every year. I can attest that over the last year my calls for failing septic systems have skyrocketed. The combination of aging systems, poor design or installation, increased heavy rains and people home instead of work or school has played havoc on septic systems.

Failing systems cause problems beyond household sewage bubbling up in yards or basements. Emergency room visits for gastrointestinal illnesses increase after heavy precipitation [(2)]. Viruses and pathogens from improperly treated wastewater travel in our groundwater. The Norovirus can last up 60 days and the Coronavirus can last up to 14 days in groundwater [(3)].

Households are not required to have their well water tested even after a septic failure. They also do not have to notify the neighbors of any problems.

As the conversation continues on well testing I would suggest the required that the test include optical brighteners and artificial sweeteners. Since, testing for E.coli and nitrates do not properly

indicate if well water has been contaminated by wastewater. Testing for viruses and pathogens is expensive and time consuming, while testing for optical brighteners and artificial sweeteners is not. These will indicate the likelihood of contamination of virus and pathogens. If a well test positive using this less expansive test then the more expensive test can be used for further information.

I will leave you with one final thought. The water that everyone flushes someone eventually drinks. That is the main reason for testing.

I urge a favorable report.

Thank you,

Matthew Geckle
Vice-President

Notes:

1.Florida well testing:
http://www.floridahealth.gov/environmental-health/drinking-water/well-surveys.html

2. Emergency room visits:
https://www.google.com/search?q=emergency+room+visits+for+gastrointestinal+illness+increase+after+heavy+rains&oq=EM&aqs=chrome.1.69i57j35i39l2j0i67l2j0i433j46i67i131i433j0i67l2j46i67i433.3474j0j15&sourceid=chrome&ie=UTF-8

3. Norovirus:
Norovirus is highly resistant to environmental degradation in various water types and long-term infectivity has been reported for groundwater which when seeded with the prototype norovirus (GI.1 Norwalk virus) was infectious for at least 61 days.
https://www.waterpathogens.org/book/norovirus-and-other-caliciviruses#:~:text=Norovirus%20is%20highly%20resistant%20to,for%20at%20least%2061%20days.

HB1069_Well_Safety_Program_MLC_FAV.pdf
Uploaded by: Plante, Cecilia
Position: FAV

TESTIMONY FOR HB1069
WATER SUPPLY – PRIVATE WELL SAFETY PROGRAM

Bill Sponsor: Delegate Stewart
Committee: Education, Health and Environmental Affairs
Organization Submitting: Maryland Legislative Coalition
Person Submitting: Cecilia Plante, co-chair
Position: FAVORABLE

I am submitting this testimony in favor of HB1069 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

Maryland seems to be consistently behind most states in environmental protections. More than 2 million people in our state, or a third of our population, have little to no protections on their water supply. Maryland is among five states with the fewest protections on well water safety. The state does not offer free or low-cost test kits, require notification of well testing results by property owners to potential sellers 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.

Given the data that we do have, Maryland well water is dangerous to drink. Studies show the prevalence of nitrate—an odorless, colorless, and tasteless contaminant often found in groundwater, and linked to cancer—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 since 1965 had nitrate levels above the Environmental Protection Agency's (EPA) safe drinking water threshold. Additionally, data from the U.S. Geological Survey and the Chesapeake Bay Program show that nitrogen levels have steadily increased in Lower Eastern Shore waterways.

Although 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.

This bill would establish a Private Well Safety Program that would provide Marylanders who get their water from a private well with the necessary resources and information to monitor and safeguard their household drinking water, and ultimately protect their and their family's health. Given that there are many Marylanders who are being slowly poisoned by their drinking water, with no support from the state, our members strongly believe that this legislation is critical.

We support this bill and recommend a **FAVORABLE** report in committee.

HB1069_CleanWaterAction_Support_EmilyRanson_Senate
Uploaded by: Ranson, Emily
Position: FAV

CLEAN WATER ACTION
MARYLAND

HB1069: Water Supply - Private Well Safety Program

Senate Education, Health, and Environmental Affairs
March 31, 2021

Positon: Favorable

Dear Chairman Pinsky and Members of the Committee,

Maryland's drinking water supply is divided in two bins: public water and well water. When a home is connected to the public water supply, they are assured that the water is regularly tested and treated for common contaminants. Over the years, the public water supply has had a lot of attention, which is important. But many Marylanders are on private wells, which do not have the same oversight that the public water system has.

Clean Water Action has engaged on septic policy for several years, and where there are septic systems there are typically wells. Like septic systems, well health is the responsibility of the homeowner - they are responsible to test and remediate their water. **Unfortunately, many residents on wells do not realize that they are responsible for their own water quality.** Under current state law, tests only occur when the well is drilled, when the home is sold, or when certain qualifying events happen (like adopting or fostering a child). The EPA does *not* regulate private wells.

Aside from the initial well test, subsequent tests are not reported to the state, which is a waste of what could be important information. If one home's well fails drinking water standards, then it would be a good idea to notify surrounding homeowners so they could also test their systems. If the state maintained a database for tests to be reported to, this notification could happen and the state could better track problem areas for more serious intervention.

While groundwater can flow significant distances, it is oftentimes impacted by surrounding land uses, and well water contamination may point to a problem that can be fixed. For example, a nearby failing septic system can release harmful microorganisms and nitrates into the groundwater, impacing nearby wells. Many different land uses can impact well water quality and the health of the family drinking from it, including agriculture, industry, fuel storage, and road salt.

As the USGS Ground Water and the Rural Homeowner points out, a single well test at point of sale is not sufficient to assure a homeowner that their groundwater is free of bacteria. A one time chlorination may temporarily destroy the bacteria in the well, but if the contamination is in the aquifer then the problem is not solved.[1]

Salt in Maryland's wells is a growing concern, whether it be from water softeners or, more likely, road salt. While residents on public water are able to access water quality reports, residents on wells are required to test for themselves. In 2019, the University of Maryland Extension highlighted this problem.

> A Maryland Geological Survey study found that the average sodium level in homes using well water on Maryland's coastal plain (the region of Maryland east of I-95), was 92.6 mg/liter. According to Lazur's research, this means that if you follow a low-sodium diet and drink the recommended amount of water per day, you would consume 15 percent of your total daily sodium intake just through your drinking water.[2]

HB1069 is a good first step to create a well testing and notification system while protecting Maryland tenants. HB1069 requires rental properties on well water to test every three years, disclose the results to the tenant, and report contamination to the Maryland Department of the Environment and the local health department. This will address some of the state's data deficit on well water health - providing a snapshot of what contaminants are present throughout an area if that area includes rental properties. Testing every three years is not overly burdensome for landlords - the recommended testing schedule is annually.[3] Testing once every three years is, if anything, too infrequent.

We appreciate Delegate Stewart bringing forward HB1069 to delve into this important issue and urge a favorable report.

Thank you,

Emily Ranson
Clean Water Action
eranson@cleanwater.org
410-921-9229

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[1] USGS. Ground Water and the Rural Homeowner. https://pubs.usgs.gov/gip/gw_ruralhomeowner/
[2] Wormuth, Laura. "Sodium in Well Water: A Maryland Health Concern." 2019, September 4. https://extension.umd.edu/news/sodium-well-water-maryland-health-concern
[3] CDC. Private Wells. https://www.cdc.gov/healthywater/drinking/drinking-water-faq.html

HB 1069 - Org Sign-On Letter - SUPPORT (Senate Hea

Uploaded by: Schmitt, Katlyn

Position: FAV

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

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[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%20_3_.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 Easten 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.

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[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] Ator 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

HB 1069 FAV Delegate Stewart.pdf
Uploaded by: Stewart, Vaughn
Position: FAV

VAUGHN STEWART
Legislative District 19
Montgomery County

Environment and Transportation Committee

Subcommittees
Environment
Land Use and Ethics

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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Testimony in Support of HB1069
Testimony by Delegate Vaughn Stewart
March 31st, 2021 • Education, Health, and Environmental Affairs Committee

What the Bill Does:

HB1069 as amended would require property owners to disclose results to tenants of the most recent water quality test once a lease has been signed and notify tenants after any water quality test is conducted, which will be every three years. If a test finds that a private water well is contaminated, then the owner of the property must notify the Maryland Department of the Environment and/or their county department of health and restore the water supply back to a safe uncontaminated state.

We worked on these amendments with the Maryland Department of the Environment, county health directors, realtors, and landlords, all of whom agree that this is an easy and sensible first step to take to protect the health of Marylanders. Over the interim period, we will be creating a fully funded well water safety program proposal for next year's legislative session.

Why the Bill is Important:

Two million Marylanders rely on private wells for their drinking water, but water quality protections are few and far between. In fact, according to a recent report from the Center for Progressive Reform, our state offers fewer protections for private wells than almost any other state. While Maryland does require new wells to meet certain safety thresholds, this policy is insufficient because the quality of well water can degrade over time.

The most worrying contaminant in private wells is nitrates, which often pollute groundwater due to the overapplication of fertilizer or manure. Since they are odorless, colorless and tasteless, nitrates often go unnoticed. High nitrate levels in drinking water are linked to a condition fatal to infants called blue baby syndrome. They are also associated with cancer and pregnancy complications.

Nitrate contamination is a statewide concern, but is particularly alarming for communities on the Lower Shore. Roughly 4% of wells tested in Wicomico and Worcester counties had extremely unsafe levels of nitrates—one well's nitrate levels was 14 times higher than an EPA threshold—and

about 10% of wells had levels that might be hazardous to health. And residents are mostly in the dark about these risks and the safety of their wells. A recent survey found that about 75% of Lower Shore well owners either hadn't tested their wells in more than a year or had never tested their wells.

Why the Committee Should Vote Favorably:

Maryland's hands-off approach to private wells hurts working-class Marylanders and Marylanders of color the most. The areas of the state most vulnerable to nitrate contamination are more impoverished than the state average. Safe drinking water is a human right, and we must ensure all Marylanders have access to it. This program would be a modest, but important step in that direction.

I urge a favorable report.

HB 1069 Amended - LOSAA - EH Dir-MACHO - March 29
Uploaded by: Welch, Kenneth
Position: FAV

An Affiliate of
the Maryland Association
of Counties, Inc.

Reply to:

DATE: March 29, 2021

TO: Members, Education, Health, and Environmental Affairs

FROM: Maryland Association of County Health Officers
Maryland Conference of Local Environmental Health Directors

RE: HB 1069 - Water Supply – Private Well Safety Program

The Maryland Conference of Local Environmental Health Directors (the Conference) and the Maryland Association of County Health Officers (MACHO) **Support HB 1069 as Amended.** The Conference and MACHO are affiliates of the Maryland Association of Counties (MACo) and represent county environmental health directors and county Health Officers who lead the state's 24 local public health departments.

Although the original bill was burdensome on local health departments, the amended bill removed those barriers while still protecting Maryland's citizenry. The bill provides a mechanism for testing, notification, and remediation of detected contaminates of private well water supply systems to protect renters through an established sampling protocol.

The Conference and MACHO appreciates the bill's flexibility to protect public and environmental health. Additionally, we stand ready to work with state policymakers to develop targeted measures to ensure safe drinking water for all Marylanders.

Accordingly, the Conference and MACHO requests the Committee give HB 1069 as Amended a **FAVORABLE** report.

Thank you for the opportunity to share our views on this matter. If you have further questions concerning this written testimony, please contact:

Kenneth Welch, President
Conference of Local Environmental Health Directors
240-777-3840

Ruth Maiorana, Executive Director
Maryland Association of County Health Officers
410-937-1433