

ShoreRivers_SB0483_Support_AR.pdf

Uploaded by: Annie Richards

Position: FAV



Testimony in Support of Senate Bill 0483 – Private Well Safety Act of 2023

February 14, 2023

Dear Chairman Feldman and Members of the Committee,

Thank you for this opportunity to submit testimony **in support of SB 0483, *Private Well Safety Act of 2023***, on behalf of ShoreRivers. ShoreRivers is a river protection group on Maryland’s Eastern Shore with more than 2,000 members. Our mission is to protect and restore our Eastern Shore waterways through science-based advocacy, restoration, and education. ShoreRivers believes that access for all communities to clean water is a basic human right—**what could be more essential than clean, safe, drinking water?** As a Riverkeeper, I research and collect water quality data including nitrogen, phosphorus, and fecal enterococci bacteria levels and communicate my findings to communities within my watershed so that individuals and families can make informed decisions about recreating in their local waterways. **The establishment of an accessible online database of well water quality results would allow Riverkeepers to connect their local communities to transparent, credible data about the ground water they drink.**

I work within Kent and Queen Anne’s counties, two of the most agricultural counties in Maryland. Large percentages of the population are reliant on well water and either do not test their wells regularly or have never tested their wells, leaving them at risk of ingesting coliform bacteria, harmful nitrates, and chemical runoff associated with agricultural practices. A Maryland Department of the Environment report from 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.”¹ The department’s 2021 report indicates that not much has changed. **Requiring water quality testing during the sale of a home with a well will, at minimum, increase data available through the state’s online portal, and protect new homeowners from buying a home with contaminated and harmful water.**

Within my watershed, it is already overburdened and underserved communities who most often face the greatest risk of living with contaminated well water. This is a result of these communities residing in low-lying land that is disproportionately burdened with environmental hazards such as stormwater flooding and agricultural runoff. **The Private Well Safety Fund will provide eligible residents with financial assistance to cover the costs associated with water test kits, and provide the opportunity for these communities to remediate their wells when unsafe levels of contamination are found.** For these reasons, ShoreRivers urges the committee to adopt **Senate Bill 0483.**

Sincerely,
Annie Richards, Chester Riverkeeper on behalf of ShoreRivers

¹ 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.

ShoreRivers

Isabel Hardesty, Executive Director

Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper | Zack Kelleher Sassafras Riverkeeper

SB0483 Private Well Safety Act of 2023 FAV.pdf

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR SB0483 PRIVATE WELL SAFETY ACT OF 2022

Bill Sponsor: Senator Lewis Young

Committee: Education, Energy, and the Environment

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of SB0483 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 and a grant program that would provide Marylanders who get their water from a private well with the necessary grant funds, 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.

SB0483-EEE_MACo_SUP.pdf

Uploaded by: Dominic Butchko

Position: FAV



Senate Bill 483

Private Well Safety Act of 2023

MACo Position: **SUPPORT**

To: Education, Energy, and the Environment
Committee

Date: February 15, 2023

From: Sarah Sample and Dominic J. Butchko

The Maryland Association of Counties (MACo) **SUPPORTS** SB 483. This bill would provide counties with additional resources through the Private Well Safety Program and Fund, to be Administered by the Maryland Department of the Environment. Provided appropriations are made to the fund, this would be a great opportunity for counties and eligible households to access the funds necessary to make vital repairs and upgrades to failing wells.

Unresolved well problems can lead to dangerous circumstances for residents relying on this water source. The potential for water contamination is very high if a well is left un-serviced or in a failing state. The costs of inspecting and repairing a failing well or installing, when necessary, a new well pose a substantial burden on a homeowner but may be essential to ensuring the safety and potability of the water servicing the household. The costs of repair or replacement of a failing well should not serve as a deterrent to proper testing, and SB 483 targets that conundrum.

This bill establishes a program that would allow the county to access funding to inspect, repair, and potentially upgrade private wells for households that fall below a certain income level. This would help counties ensure the safety of water for individuals and families that do not have the means to do so themselves.

The eligibility requirements for counties to qualify for the funding are also quite reasonable. Additionally, in counties that waive their eligibility, the funding outlined in this bill is flexible enough to go directly to an eligible household in need, even if their county does not engage to manage its own program.

Overall, this bill helps alleviate a financial barrier for individuals and households to ensure the safety of their drinking water while also enabling the county to assist with this important effort, empowering local governments to do more in providing a safe and healthy environment for residents. For this reason, MACo **SUPPORTS** SB 483 and urges a **FAVORABLE** report.

Gross_ACT_SB483_Private Well Safety Act.pdf

Uploaded by: Gabrielle Ross

Position: FAV



Assateague Coastal Trust – PO Box 731, Berlin, MD 21811 – 410-629-1538

Testimony in Support of SB483

This testimony covers these three key points:

1. The desperate need for well water remediation and data collection
2. Findings of the Lower Shore Safe Well Initiative (LSSWI)
3. Cancer rates and statistics as it relates to groundwater

January 31st, 2023

Dear Members of the Committee:

Thank you for this opportunity to submit testimony in support of **SB483**, on behalf of Assateague Coastal Trust (ACT), the Waterkeeper program for the lower Eastern Shore of Maryland. ACT protects and defends the health of Delmarva's coastal waters through advocacy, education, science, and the enforcement of just and equitable clean water laws. If enacted, **SB483** will be vital for citizens of the lower Eastern Shore of Maryland.

Assateague Coastal Trust is extremely concerned about the well water quality here on the Eastern Shore. Most of our constituents are on well water, or drink water from a well that is supplied by a municipality. The contaminants that are causing vast health concerns down here are often tasteless, colorless, and odorless. Currently, Maryland is ranked among the five states with the fewest protections regarding private wells. On the Eastern Shore, we are far behind on the desperately needed infrastructure to protect people from contamination of their drinking water, as well as have had massive gaps in research and public awareness of the health impacts of drinking contaminated water.

In 2021, the Center for Progressive Reform, the Assateague Coastal Trust, the Environmental Integrity Project, and the University of Maryland School of Public Health partnered to launch the **Lower Shore Safe Well Water Initiative (LSSWWI)**, whereby well owners in Somerset, Wicomico, and Worcester County could sign up to receive a free nitrate test kit in the mail. Between April and November, 127 wells on Maryland's Lower Shore were sampled. Here are the findings:

- **81 percent of participants had never tested their wells or had done so only once.** Only two participants reported testing their wells annually.
- **30 percent of participants reported having no water treatment systems in their homes**
- **41 percent said they had never received information about their well from any source**, including MDE and their local health department. The participants' wells ranged from two to 86 years old, with an average of 26 years.

Overall, five percent of samples collected through the LSSWWI exceeded EPA's safe drinking water threshold for nitrate, and an additional 12 percent had nitrate levels that may be hazardous to health. In a follow-up survey of participants, more than a third of respondents said that cost of testing and/or remediation, and/or not knowing where to get test kits were barriers to testing their well water.

Furthermore, 98 percent of respondents said they would support efforts by the state of Maryland to provide free or low-cost test kits to well owners and 87 percent of respondents said they would support efforts by the state of Maryland to provide grants to well owners to clean up contaminated wells.

The time to act on this is now. We know that cancer statistics for the lower Eastern shore of Maryland are some of the highest in the state. In 2020, a study was published in the International Journal of Environmental Research and Public Health that found that on Maryland’s Lower Eastern Shore “cancer patients were more likely to live in homes supplied by private well water compared to individuals in the general regional population.” According to the U.S. Surveillance, Epidemiology, and End Results (SEER) database, “Wicomico, Worcester, and Somerset counties have some of the highest rates of lung cancer, colorectal cancer, breast cancer, and melanoma in Maryland” [1].

Given the high prevalence of several cancer types, the potential for ground water contamination, and the popularity of private well water use in this rural region, evaluating the relationship between cancer diagnosis and water source on the lower Eastern shore bears serious consideration.

The Private Well Safety Act will provide roughly 830,000 Marylanders who get their drinking 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. We are urging to you to pass **SB483, The Private Well Safety Act** so that all Marylanders can have access to clean, safe drinking water.

Sincerely,



Gabrielle (Gabby) Ross
Assateague Coastkeeper
Assateague Coastal Trust
443.235.2014
coastkeeper@actforbays.org

Sources :

[1] DeRidder, A., Kalluri, S., & Holdai, V. (2020, December 28). *A retrospective chart review evaluating the relationship between cancer diagnosis and residential water source on the Lower Eastern Shore of Maryland, USA*. International journal of environmental research and public health. Retrieved January 27, 2023, from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7796121/#:~:text=Cancer%20statistics%20for%20the%20lower,melanoma%20in%20Maryland%20%5B21%5D>.

SB483 2023 - Private Well Safety Act of 2023 - Goo

Uploaded by: Karen Lewis Young

Position: FAV

KAREN LEWIS YOUNG
Legislative District 3
Frederick County

Committee on Education, Energy,
and the Environment



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 15th, 2023
SB 483 - The Private Well Safety Act of 2023

Chairperson Senator Brian Feldman
Education, Energy and Environment Committee
11 Bladen Street
Miller Senate Office Building
Annapolis, MD 21401

What The Bill Does:

The Private Well Safety Act will provide roughly 830,000 Marylanders who get their drinking water from a private well with the necessary resources and information to monitor and safeguard their household drinking water. First, the bill requires the Department of the Environment to provide eligible residents with financial assistance to cover the costs of well testing and remediation. Second, the bill requires MDE to create an online database of well water test results, populated by county health departments and state-certified labs. Third, the bill requires water quality testing during the sale of a home with a well.

The history of this bill goes back to the 2020 session, when it was brought to Delegate Stewart by a group of advocates concerned about the levels of toxic chemicals they found in private well water in Southern Maryland. During the 2021 interim, his office convened a workgroup of stakeholders to discuss the details and find a solution that worked for everyone. The group included representatives from the Maryland Department of the Environment, the Center for Progressive Reform, Clean Water Action, SERCAP, MACo, Maryland Septics Stakeholders, Waterkeepers Chesapeake, and more. Last session, this bill nearly passed. We got as far as the second reader in the Senate before we ran out of time on Sine Die.

Why The Bill is Important:

One million Marylanders rely on private wells for their drinking water, but water quality protections are few and far between. In fact, according to a 2020 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. In addition, the protections of the Safe Drinking Water Act, the primary federal statute governing the health of the nation's drinking water, do not extend to private drinking wells and smaller community-based systems.

Maryland is, simply put, behind. Unlike at least 22 states, Maryland does not offer free or low-cost test kits. Unlike at least 12 states, Maryland does not require testing of private wells during a property transfer. And unlike at least 40 states, Maryland does not maintain a public database with information about the health of private wells. And until last year, landlords were not required to test wells and provide renters with water testing results. Maryland well owners are expected to take the safety of their drinking water into their own hands, but many believe their well water is safe to drink, do not know they should test annually, or cannot afford the cost of testing.

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.

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. This bill before you today is the same bill passed out of the House and this Committee last year.

I urge a favorable report.



Senator Karen Lewis Young

Final SB483 Sign-On Testimony (2023).pdf

Uploaded by: Katlyn Schmitt

Position: FAV

Testimony in Support of Senate Bill 483 — Private Well Safety Act of 2023 (Senator Karen Lewis Young)

February 15, 2023

Dear Chair Feldman and Members of the Senate Education, Energy, and Environment Committee:

The **undersigned organizations** are grateful for the opportunity to submit written testimony in **support** of Senate Bill 483. The bill would establish a Private Well Safety Program that would provide roughly 830,000 Marylanders who get their drinking 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.

While progress has been made, 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. Until 2021, when House Bill 1069 passed, landlords were not required to test wells and provide renters with water testing results. Furthermore, in 2021, the Maryland Department of the Environment (MDE) reported to the General Assembly on the state's Groundwater Protection Program after an eight-year gap, which left many wondering whether the state's groundwater resources are being regularly monitored.² The 2021 report affirms that groundwater quality data is insufficient and that, "...private wells [...] may be contaminated due to the adjacent municipal practices (i.e., discharge, landfill, industrial releases, etc.). These communities often lack the ability to demand greater resources and accountability to protect their vital groundwater resource."

Senate Bill 483 will protect private well owners by:

- Requiring MDE to establish a Private Well Safety Program, which will provide eligible residents with financial assistance to cover the costs associated with water test kits, and when unsafe levels of contamination are found, of well remediation. Counties may apply for funding under the Private Well Safety Program to implement this portion of the bill.
- Requiring MDE to create an accessible online database of well water quality test results, and requiring county health departments and state-certified labs to upload water quality test results to the database periodically.
- Requiring water quality testing during the sale of a home with a well.

¹ Minovi D and Schmitt K. *Tainted Tap: Nitrate Pollution, Factory 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 Report to the Maryland General Assembly*. December 2021.

Data suggest these protections 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 Environmental Protection Agency’s (EPA) 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. Research has also linked nitrate in drinking water at levels well 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 is 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. Prior to the release of the 2021 Groundwater Protection Program Report, MDE’s last 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 The 2021 report indicates that not much has changed. While MDE operates a Be Well Wise public education program recommending that well owners test their water annually, 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 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. *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.

Recent research supports these findings. In 2021, CPR, the Assateague Coastal Trust, the Environmental Integrity Project, and the University of Maryland School of Public Health partnered to launch the [Lower Shore Safe Well Water Initiative](#) (LSSWWI), whereby well owners in Somerset, Wicomico, and Worcester county could sign up to receive a free nitrate test kit in the mail. Between April and November, 127 wells on Maryland's Lower Shore were sampled. Prior to participating in the program, 81 percent of participants had never tested their wells or had done so only once. Only two participants reported testing their wells annually. Furthermore, 30 percent of participants reported having no water treatment systems in their homes, and 41 percent said they had never received information about their well from any source, including MDE and their local health department. The participants' wells ranged from two to 86 years old, with an average of 26 years.

Overall, five percent of samples collected through the LSSWWI exceeded EPA's safe drinking water threshold for nitrate, and an additional 12 percent had nitrate levels that may be hazardous to health. In a follow-up survey of participants, more than a third of respondents said that cost of testing and/or remediation, and/or not knowing where to get test kits were barriers to testing their well water. Furthermore, 98 percent of respondents said they would support efforts by the state of Maryland to provide free or low-cost test kits to well owners and 87 percent of respondents said they would support efforts by the state of Maryland to provide grants to well owners to clean up contaminated wells.

Whether it is nitrates or another drinking water contaminant, Senate Bill 483 is a critical first step to ensuring that all Marylanders have a right to safe, clean drinking water. It is well past time the state implements common-sense protections to support private well owners, 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 Senate Bill 483.

Sincerely,

Assateague Coastal Trust
Arundel Rivers Federation
Blue Water Baltimore
Center for Progressive Reform
Chesapeake Bay Foundation
Chesapeake Legal Alliance
Clean Water Action
Environmental Integrity Project
John Hopkins Center for a Livable Future
Maryland Campaign for Environmental Human Rights
Maryland Legislative Coalition
MLC Climate Justice Wing
Maryland Pesticide Education Network
Sentinels of Eastern Shore Health

Sierra Club - Maryland
ShoreRivers
Unitarian Universalist Legislative Ministry of Maryland
Waterkeepers Chesapeake

Contact: Katlyn Schmitt, kschmitt@progressivereform.org

Frequently Asked Questions

1. What does the bill do?

The Private Well Safety Act (Senate Bill 483) would allow the Maryland Department of the Environment (the Department) and eligible counties to provide Marylanders with financial assistance to cover the costs associated with well water quality testing, and when unsafe levels of contamination are found – well remediation.

The bill also creates an accessible online database of well water quality test results to ensure that the public has easy access to groundwater data.

Lastly, modeled after New Jersey's Private Well Testing Act (2001), Senate Bill 483 would require drinking water quality testing during the sale of a home with a well. Potential buyers would have the opportunity to sign a waiver to avoid this requirement, as it may not be appropriate in all cases.

2. Who may apply for financial assistance to cover the costs of well testing and remediation?

Any household, where one or more individuals reside, served primarily by a private or domestic well. The bill explicitly bars financial assistance for testing or remediation of: (1) work conducted before the grant award was approved, (2) wells serving commercial establishments, (3) private wells that do not meet the contamination criteria, (4) dug wells, and (5) point-driven wells. A single household may not receive more than one award for testing and one award for remediation in a single year.

The bill does not place any financial restrictions on who may apply for assistance for well water quality testing and remediation, but the bill does direct the Department to come up with an income guideline scale in order to provide consistent awards to Marylanders in certain income brackets. Marylanders with a household income below 50 percent of the state's median income level are eligible to receive up to 100 percent of the costs associated with testing and remediation.

The minimum sampling parameters covered for water quality testing under this portion of the bill include bacteria, nitrate, and turbidity. However, the bill directs the Department to develop a list of additional standards for water quality testing that the

Department deems necessary for each county, including but not limited to: (1) manganese, (2) arsenic, (3) radon, (4) mercury, and (5) volatile organic compounds for which there is a Maximum Contaminant Level.

The bill also allows the Department, or eligible counties, to collect an application fee (not to exceed \$10 for testing and \$250 for remediation) for this financial assistance. The Department, or eligible county, may also waive the application fee based on the applicant's income levels.

3. What private or domestic well remediation is covered under the bill?

The bill defines remediation as the drilling of a new well or a connection to a public water supply. Remediation does not include ongoing treatment, such as on-site filtration systems, because there will be ongoing maintenance costs involved and it would require permanent deviation agreements to be recorded to the land records. Thus, providing funding for the perpetual maintenance of treatment systems is not a feasible or reasonable use of these funds.

The relevant bill language is modeled after Wisconsin's Well Compensation Grant Program, which provides financial assistance to residents to remediate contaminated wells.

4. When would a household become eligible for financial assistance to remediate their private or domestic well?

A resident or household with a private or domestic well can seek financial assistance to remediate their well if it is contaminated. A resident or household can demonstrate contamination if:

- water quality testing (conducted by a state-approved laboratory) that a substance exceeds the legal threshold limit on the amount that is allowed in a public water system (the 'Maximum Contaminant Level' (MCL) under the Safe Drinking Water Act (SDWA)); OR
- There is a harmful level of another contaminant, as determined by the Department of the Environment.

COMAR doesn't explicitly define what a private or domestic well is, but generally private wells are drinking water sources that do not meet the COMAR definition of a public water system. COMAR defines a public water system as "a system that provides water for human consumption to the public through pipes or other constructed

conveyances, if the system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year."

5. Are counties required to participate in the Private Well Safety Program?

No, county health departments must apply for grant resources from the Department in order to participate in the program to provide financial assistance to county residents. Grants to the county health departments must include consideration of administration costs.

The Department will be responsible for providing financial assistance directly to residents living in counties not participating in the program.

6. What does a county health department need to do to participate in the Private Well Safety Program?

To receive grant funding, counties must agree to engage in outreach activities to educate residents on the availability of financial assistance for private well testing and remediation, as well as the importance of annual testing. This includes publishing information on the website, providing information over the phone when residents call about their private wells and submitting an annual report to the Department. The report must be submitted to the Department by September 1st annually, and include:

- the locations of covered households that received a grant award;
- the dollar amount awarded to each household, categorized by funding for water quality testing and remediation;
- the total number of water quality tests conducted and the proportion that detected a substance that exceeds the Maximum Contaminant Level for that substance, categorized by zip code or other identifying factors;
- the number of water quality tests conducted within the previous 12-month period and the proportion that detected a substance that exceeds the maximum contaminant level for that substance, categorized by "census tract or other identifying factors";
- the location of areas of potential concern;
- the most commonly detected contaminants of concern, categorized by "census tract or other identifying factors"; and
- any other information required by the Department.

Counties may add explanatory or qualifying information to their report's results.

7. Will the Private Well Safety Act require testing during the sale of a home with a private or domestic well?

Yes, but not always. Any contract for the sale of real property on which a private or domestic well is located shall include a provision requiring, as a condition of the sale, that water quality testing of the well be conducted. However, the bill includes language allowing for the waiver of this requirement, with the signature of the buyer.

8. What type of testing is required for real estate transfers?

The testing that is required for real estate transfers matches the testing required to obtain a Certificate of Potability: 2 bacteria samples, 1 nitrate, and 1 turbidity sample. The average cost for this type of test is \$79.

Sampling and testing must be conducted by a state-certified laboratory.

9. How long will a well water quality test remain valid to fulfill the real estate transfer portion of the bill?

3 years

10. What type of reporting is required under the bill?

In addition to the reporting required of participating counties (see #5 above), state-approved laboratories in certain circumstances will be required to report to the the Department. Likewise, the Maryland Department of the Environment will be required to report on the implementation of the Private Well Safety Program to gauge its impact and insights on the status of local groundwater quality across the state.

For state-approved laboratories, any test conducted under the Private Well Safety Program must be sent to the Department an ongoing basis (at least quarterly). This includes private well water quality testing: (1) pursuant to the landlord testing required under state law (House Bill 1069, 2021; Ch. 622), (2) conducted for a resident or household receiving financial assistance under Senate Bill 483, or (3) private well water quality testing for to the real estate transfer requirements under Senate Bill 483. The Department will provide a standardized reporting form to state-certified laboratories to

fulfill these requirements. The report should include the results of the water quality tests, including any detected contamination exceeding the Maximum Contaminant Level, and other basic identifying information, such as the location of the well and the timing of sampling and testing.

For real estate transfers, laboratories have 5 days to send the testing and sampling results to the Department. Laboratories must submit results for any other testing covered under the Private Well Safety Act on an ongoing basis (at least quarterly).

Under the Private Well Safety Act, the Department is required to report to the Maryland General Assembly, on or before January 1 every year, the following information:

- The total number of water quality tests conducted under the program and the proportion that detected a substance that exceeds the Maximum Contaminant Level for that substance, categorized by county and census tract, or other identifying factors.
- The total number of water quality tests conducted within the previous 12-month period and the proportion that detected a substance that exceeds the Maximum Contaminant Level for that substance, categorized by county and census tract, or other identifying factors.
- The location of "hotspots" or other areas of known contamination. A hotspot means a census tract, or another identifying factor, where at least 50 percent of the water quality testing completed within the past 2 years detected a substance that exceeds the Maximum Contaminant Level for that substance.
- A description of the benefits realized and deficiencies addressed as a result of the program and recommendations for any appropriate legislative action; and
- The most commonly detected contaminants of concern, categorized by census tract, or by other identifying factors.

11. What type of verification is needed under the bill?

To receive financial assistance to test or remediate well water, a resident or household must prove income levels by submitting a copy of their most recent state income tax return, or an affidavit of:

- (1) a filing of a household income exemption,
- (2) a household income reduction; or
- (3) the projected household income for the current year.

12. What factors may the Department consider in awarding grants to counties?

- The estimated proportion of covered households in the eligible county;
- The county's specific needs related to the costs of administering and implementing grants under the fund;
- The county's need to address public health concerns or specific contamination concerns; and
- Any other relevant factor, as determined by the Department.

13. What information will be housed in the private well water quality database?

To populate the private well water quality database, or portal, the Private Well Safety Act directs the Department to:

- (1) receive the results of water quality testing from state-certified laboratories and the Maryland Geological Survey;
- (2) upload Certificates of Potability, results of water quality testing, and other relevant information submitted to the Department related to private wells, on at least a quarterly basis; and
- (3) provide public access to the information received under items (1) and (2) of this subsection in a manner that is easy to use and categorized by county.

On an ongoing basis, a county may submit to the Department records of Certificates of Potability and any results of water quality testing received voluntarily from residents.

SB 483 - MoCo_Elrich_FAV (GA 23).pdf

Uploaded by: Marc Elrich

Position: FAV



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

February 15, 2023

TO: The Honorable Brian J. Feldman
Chair, Education, Energy, and the Environment Committee

FROM: Marc Elrich
County Executive

RE: Senate Bill 483, *Private Well Safety Act of 2023*
Support

I am writing to express my support for Senate Bill 483, *Private Well Safety Act of 2023*. The bill creates a private well safety program that is administered by the Maryland Department of the Environment (MDE). The program provides grants to perform water quality monitoring and, if contamination is found, provide funding for remediation of the well or hook up to the public water supply. If adequately funded, MDE could provide grants to counties to cover the costs of implementing the program locally. If a county chose not to implement the program, residents of the county could apply for a grant directly from MDE. MDE would create a database with the results of water quality sampling that would be publicly accessible. Water quality monitoring of private wells is also required prior to the sale of property.

In December of 2002, two wells in the town of Poolesville were found to have per-and polyfluoroalkyl substances (PFAS) levels that exceeded the actions levels set by the Environmental Protection Agency. Although the Poolesville wells are a public water supply rather than a private well, it shows the vulnerability of ground water to contamination. Currently, the responsibility for assuring the safety of private drinking water wells falls totally on the property owner. This bill would provide needed financial assistance to property owners to test their wells and to remediate them if necessary.

I respectfully request that the Education, Energy, and Environment Committee give Senate Bill 483 a favorable report.

cc: Members of the Education, Energy and Environment Committee

SB 483 Matt Geckle Pre Cast FAV.pdf

Uploaded by: Mathew Geckle

Position: FAV



BACK RIVER PRE-CAST, LLC
PO BOX 329
GLYNDON, MD 21071
410-833-3394

SB483 Private Well Safety Act of 2023
Education Energy and the Environmental
Mathew Geckle Back River Precast
February 15, 2023

Position: Favorable

It is urgent that Maryland do more to test and protect private wells. 45 states have better well testing and safety program than Maryland. This put rural Maryland at unnecessary risk from illnesses.

I want to focus on one large threat to our private wells. Septic systems. Most homes on wells also have septic. EPA estimates that at least 10% of our current 450,000 systems are failing. I can also attest that over the last couple years my calls for failing systems have skyrocketed. The combination of aging systems, poor design, or bad installation added to increased heavy rains and more people home instead of at work and school has played havoc on septic systems function.

Of course, the problem from failing septic systems extend beyond household sewage bubbling up in yards or basements. These failing systems are putting untreated waste into the ground and therefore putting drinking water at risk. As we know many people have no idea that they must test their wells regularly. Maryland is not educating well owners on testing or making it simple to test.

Passing SB 483 will provide the education, financial help to make it easier to find out if the home's drinking water is safe. We cannot simply pretend there is no problem because we are not testing for it. Almost every other state protects their residents better than Maryland.

I urge a favorable report.

SB 483, FAV, Energy and Environment, Moore, LS23.p

Uploaded by: Victoria Venable

Position: FAV



FREDERICK COUNTY GOVERNMENT
DIVISION OF ENERGY & ENVIRONMENT

Jessica Fitzwater
County Executive

Shannon Moore, Director

SB 483 – Private Well Safety Act of 2023

DATE: February 15, 2023
COMMITTEE: Senate Education, Energy, and the Environment Committee
POSITION: Support
FROM: Shannon Moore, Director, Division of Energy and Environment

Thank you for your consideration of SB 483 – Private Well Safety Act of 2023. As the Director of the Division of Energy and Environment in Frederick County, I urge the committee to give SB 483 a favorable report.

This legislation provides counties with additional tools to help residents to discover well contamination and remediate issues. Currently, citizens have a disincentive to test wells and to remediate due to cost. Counties would be able to apply for grants on behalf of residents to lower the costs of testing where there are regions with some examples of wellhead contamination, suspected contaminant plumes, or known past practices that could contribute to well contamination.

This legislation would help residents to be better informed for their own safety and would allow them to know prior to buying or selling a property if their property has a well with contaminants above legal thresholds. This will lead to remediation and ultimately better health outcomes. This legislation fills a need that is not otherwise being met and could save lives.

For these reasons, Frederick County is in support of SB483 – Private Well Safety Act of 2023.

Thank you for your consideration. On behalf of Frederick County Government, I urge a favorable report.

Shannon Moore
Director
Division of Energy and Environment
Frederick County Government
30 N. Market St., Frederick, MD 21701
(O) 301.600.1413 (C) 240.608.7406

SB 483_realtors_fav.pdf

Uploaded by: William Castelli

Position: FAV



Senate Bill 483 –Private Well Safety Act 2023

Position: Support

Maryland REALTORS® supports efforts to ensure clean and safe drinking water for Maryland residents served by private wells. SB 483 affects approximately one third of all Maryland residential real property transactions, and the REALTORS® supported the bill with amendments last year. Those amendments are included in SB 483.

Last year’s changes included a provision allowing the buyer to waive the proposed test. A waiver would address situations: where a property is sold “as is;” where timeliness is important for a transaction; and where certain mortgages like FHA already require a test that may not be the same as the test required by the bill.

Additionally, the bill was changed to require the buyer to order and purchase the test. In fact, most federally insured mortgages such as the FHA and VA place the responsibility on the buyer and will not accept tests performed by other parties prior to the sale of the property. If the seller was required to order the test, and the mortgage was FHA insured, the bill may result in two tests being ordered – one by the seller and the one by the buyer.

Finally, a similar law passed in New Jersey specifies that water well tests remain valid for 5 years. Initially, the legislation stated the test results were only valid for 6 months. This language was changed to 3 years under the amendments last year to conform the bill to the current Maryland standards for rental well tests.

With these changes, the Maryland REALTORS® support SB 483 and believe it will provide protection to homeowners just as the current well-testing law on rental property provides for tenants.

**For more information contact lisa.may@mdrealtor.org or
christa.mcgee@mdrealtor.org**

SB483_M_LAPORTE_FWA_Testimony.pdf

Uploaded by: MARIE LAPORTE

Position: FWA

2516 Chestnut Woods Ct.
Reisterstown, MD 21136

Committee: Education, Energy, and the Environment

Testimony: SB483 – Private Well Safety Act

Position: Favorable with amendment

Hearing Date: February 15, 2023

I am in favor of SB483 with an amendment to include testing for commonly used PFAS.

I've been a resident Baltimore county about 28 years; nearly 25 of those years have been in my Reisterstown home, which my husband and I had constructed for our then young family. Our home uses a well for water, as do all the nearby homes in this pastoral section of our county. Our well has not been tested since 1998, which was required before occupancy and was not tested for PFAS at that time.

A couple of months ago, I learned through friends in New Jersey of the extensive PFAS well contamination issues in New Jersey, New York, and Pennsylvania. One Pennsylvania PFAS hot spot is in a town called Willow Grove, where my husband and I briefly resided. The source of this particular contamination is the Naval Air Station in Willow Grove.

Upon further investigation, I learned that Maryland also has several of these contamination hot spots around military installations. Imagine my surprise when I read that I lived about a mile from one such installation and hot spot, the Isadore Jachman Armory, which is primarily used for reservist training. In addition, the Armory is located next to the Chestnut Ridge fire station, which has practiced fire training using PFAS filled fire-fighting foam for many years.

While far less was known about PFAS 25 years ago, the EPA now says that they are unsafe at any detectable level. I am very concerned that while other nearby states are actively engaged in testing to understand environmental contamination, Maryland seems to be putting its head in the sand. The community of Willow Grove, PA is doing testing of the environment and testing study participants for PFAS in blood work to learn more about exposure and various diseases including cancer.

Marylanders should know if their wells are contaminated and learn what can be done to minimize our exposure to these harmful chemicals. While not everyone can afford a reverse osmosis system, we need state legislators to show leadership in testing our water and providing guidance on what we can do to protect ourselves, and our families.

We also need to follow Maine's example and learn more about all the products are sources of PFAS. I recently learned that despite industry assurances to the contrary, all synthetic turf fields contain PFAS in their tire crumb and plastic grass according to Dr. Graham Peaslee, a nuclear chemist and researcher from the University of Notre Dame and other EPA approved testing facilities. Further studies have shown that the PFAS in synthetic turf leach into our groundwater and are expected to persist for thousands of years. So they not only contaminate our children when they play on such fields, but they can also contaminate the larger community around these fields.

We need to do everything we can to better understand the extent of our own PFAS contamination, the sources, and how we can remedy this for our residents. This year is the 50th anniversary of the Maryland Environmental Policy Act (MEPA), which asserted that every person has a fundamental and inalienable right to a healthful environment.

I urge you to recall MEPA and give a favorable review of SB 483 with an amendment to include the testing of PFAS.

Sincerely,



Marie LaPorte

MDE SB0483 LOI.pdf

Uploaded by: Tyler Abbott

Position: INFO



February 15, 2023

The Honorable Brian J. Feldman, Chair
Education, Energy, and the Environment Committee
Miller Senate Office Building, 2W
Annapolis, Maryland 21401

Re: Senate Bill 483 – Private Well Safety Act of 2023

Dear Chair Feldman and Members of the Committee:

The Maryland Department of the Environment (MDE or the Department) has reviewed SB 483 and would like to offer the following information. MDE has been working with the House sponsor on the technical concerns mentioned below.

Senate Bill 483 would require MDE to: (1) expand the existing Private Well Safety Program and set up a Private Well Safety Fund to make grants to households available to help cover the costs of well testing and well remediation; (2) upload records of certificates of potability and water quality testing results to a portal accessible by the public; and (3) annually report to the General Assembly the information and data collected pursuant to the Program.

While the purpose is consistent with MDE's mission, the bill as proposed would have a significant fiscal impact for the Department. MDE would need to create a new program, which has not been accounted for in the FY 2024 proposed budget. Given the significant constraints within the Department, existing staff can not absorb the workload associated with this legislation. It would cost the Department approximately \$500,000 to create and maintain a new program, hire and train staff, and develop the publicly accessible portal. Additionally, money would have to be allocated for the grant fund, which also has not been accounted for in the budget. The Department has no way of estimating how many individuals would apply for a grant to test their well, or how many wells would need to be remediated if contaminants were found.

Additionally, during the review of the legislation, the Department noted a couple technical concerns with the language. MDE is willing to work with the sponsor to address these issues. The Department would like to note the following concerns:

- "Contaminant of concern" is referred to several times; however, the term is not defined. Also, there is no definition for this term in the Environment Article.
- A well may test positive for a contaminant but it is not indicative of a problem that needs to be remediated. When a new well is drilled, several contractors may be involved installing different components and this may introduce "contaminants." After a well is drilled, it should be treated and given time to settle before it is tested. If it is tested too soon, there may be a

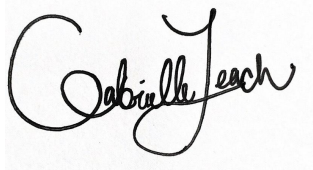
positive test result for a contaminant. The same situation may occur in a household that is vacant for a period of time before being sold. If the lines are not properly flushed before testing, it could lead to a positive test result. Both of these situations are easily rectified without “remediation.” Under this bill, both of these test results would be entered into the publicly available portal and could give the false impression that there is a contamination issue with water in that area.

- The bill requires the creation of a public database that includes certificates of potability, water quality test results, and other information. This required reporting would make public the location of wells, in some cases, specifically by address (presumably the address of a person's home). No provision is made for shielding or redacting the names of individuals or the location of the well, which again, is likely someone’s home. New Jersey has had a Private Well Testing Act since 2001, which offers similar protections to owners, buyers, and tenants, but maintains confidentiality of individual well records.
- There is no specification in the bill to where the application fees should be deposited. If the statute fails to mention where the fees go, they will automatically be deposited in the General Fund, not the Private Well Safety Fund.

The Department agrees that enhancements could be made to provide for more robust testing of private wells in the State. The Department has broad statutory authority to protect drinking water and would be willing to work with the sponsor and other interested parties on some changes to the existing private well regulations over the interim.

Thank you for considering the Department’s information regarding this legislation. We will continue to monitor SB 483 during the Committee’s deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-453-3235 or by e-mail at Gabrielle.Leach@maryland.gov.

Sincerely,

A handwritten signature in black ink that reads "Gabrielle Leach". The signature is written in a cursive style with a large, stylized 'G' at the beginning.

Gabrielle Leach
Deputy Director
Legislative and Intergovernmental Affairs

cc: The Honorable Karen Lewis Young