

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	07/18/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 8/22/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

26 04 04 01-.39

3. Name of Promulgating Authority

Department of the Environment

4. Name of Regulations Coordinator

Renee D Matthews

Telephone Number

410-537-3567

Mailing Address

1800 Washington Blvd

City State Zip Code
Baltimore MD 21230

Email

rmatthews@mde.state.md.us

5. Name of Person to Call About this Document

John Boris

Telephone No.

410-537-3678

Email Address

john.boris@maryland.gov

6. Check applicable items:

X- New Regulations

Amendments to Existing Regulations
Date when existing text was downloaded from COMAR online: .
 Repeal of Existing Regulations
 Recodification
 Incorporation by Reference of Documents Requiring DSD Approval
 Reproposal of Substantively Different Text:
: Md. R
(vol.) (issue) (page nos) (date)
Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Nancy Young, Assistant Attorney General, (telephone #410-537-3042) on June 20, 2014. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Robert M. Summers, Ph.D.

Title

Secretary

Date

June 30, 2014

Telephone No.

410-537-3084

DEPARTMENT OF THE ENVIRONMENT

Subtitle 04

26.04.04

Authority: Environment Article §9-1305.1

Notice of Proposed Action

□

The Secretary of the Environment proposes to (1) Repeal Regulations .01 through .13 under COMAR 26.04.04 Well Construction
(2) adopt new Regulations .01-.39 under COMAR 26.04.04 Well Construction

Statement of Purpose

The purpose of this action is to repeal existing COMAR 26.04.04 Well Construction Regulations .01 through .13 and replace them with new chapter COMAR 26.04.04 Well Construction Regulations .01 through .39. The proposed regulations include provisions to allow treatment for fecal coliform bacteria in carbonate rock areas, to regulate the hydrofracturing of wells, the construction of geothermal wells, and to eliminate telescoped casing in new wells where aquifer drawdown could render such wells unusable for domestic water supplies. Proposed new regulations also include provisions for notification prior to commencing well construction activities, establishment of a variance procedure, and language to clarify requirements, or to provide a more technically correct regulation.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

The proposed regulatory changes to the well construction regulations have 5 specific areas where an economic impact can be determined. The proposed changes will require water wells to be constructed to allow for changes in the water levels in aquifers, modifies the abandonment sealing requirements, and requires buried well heads to be eliminated. The proposed changes allow for certain water treatment systems for constituents that exceed the allowable standards, where no alternative potable water supply is readily available. An economic impact can be determined for the estimated cost of compliance with the proposed regulations, which is offset by requiring specific well construction standards that benefit the environment and public health.

II. Types of Economic Impact.

Revenue (R+/R-)

Expenditure (E+/E-)

Magnitude

A. On issuing agency:	NONE
B. On other State agencies:	NONE
C. On local governments:	NONE

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	39,100
E. On other industries or trade groups:	(+)	Not measurable
F. Direct and indirect effects on public:	(-)	Not measurable
()	(+)	38,500

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

B. No economic impact on State and local agencies assumed because no additional workforce needed to implement proposed regulations. Revenue from permit fees collected by local agencies for permitting installation of water treatment devices was not determined

C. No economic impact on State and local agencies assumed because no additional workforce needed to implement proposed regulations. Revenue from permit fees collected by local agencies for permitting installation of water treatment devices was not determined

D.) Assumes positive revenue to industry trade groups based on the additional services that would be performed for compliance with the proposed regulations. Assume magnitude is equal to cost that public would incur in complying with proposed regulations.

E. Assumes a positive revenue on other trade groups based on: 1) other trade groups supplying services required by regulations; and, 2) other trade groups, such as housing construction, would benefit because regulations would allow for development of individual water systems in areas with naturally occurring contamination exceeding potability standards by providing treatment systems. The magnitude is not measurable because it is unknown how many additional services and benefits that non-regulated industrial trade groups, such as plumbing trade, would provide.

F(). Assumes that the public will ultimately bear the costs related to directly complying with the proposed regulatory changes. The total benefit to the public is not measurable, only the anticipated cost of compliance is measurable. The public will benefit from the improved well construction specifications through having less bacteriological contamination in water supplies, a reduction in the potential for groundwater contamination by abandoned wells, a reduction in the number of wells that have to be replaced due to declining water levels, and, through increases in the allowable water treatment options for individual potable supplies.

The five proposed provisions of the regulations determined to have a potential economic

impact are: Requiring steel casing to meet certain quality specifications; Increase in 4 inch diameter casing lengths; Extension of buried well terminals; Allowing for treatment for certain water contaminants; and, an increase in the sealing material requirements for abandoned wells in central and western Maryland. Each of these provisions is reviewed in detail below.

The magnitude of the cost of complying with the proposed regulatory provision to require steel well casing to meet certain manufacturing quality standards and increase in casing length can be determined by multiplying the anticipated increase in casing cost per foot to the typical lengths of steel casing set multiplied by the typical number of wells constructed with steel casing. The estimated cost per foot for 6 inch black pipe is near \$9.50 per foot. This number fluctuates with the demand for steel based products. Water wells constructed in western Maryland (Garrett, Allegany, Washington, & Frederick Counties) typically use an average of 70 feet of casing. Over a 5 year period there was an average of 30 wells constructed per year that did not meet the proposed casing requirement of 40 feet. Multiplying these values together a cost magnitude of \$5,700 in material costs. This is a conservative cost magnitude because an unknown number of wells are currently constructed with much cheaper PVC casing or steel casing that meets the proposed regulatory standard. The benefit to the public of requiring steel well casing that is specifically manufactured for well construction, is not measurable.

The proposed regulatory provision to require greater 4-inch diameter casing lengths in the Coastal Plain of Maryland to address the problem of declining water table levels rendering 2 inch wells obsolete is currently being achieved through voluntary compliance. A proposed variance process would allow the option to construct a 2-inch diameter wells, if special circumstances would require it.

The magnitude of the cost of complying with the proposed regulatory provision to require the extension of buried well terminals when other well work is completed cannot be determined. Currently many buried well terminals are extended above grade at the time of property transference at the behest of lending institutions or at the suggestion of a contractor during a well pump replacement. The number of well terminals currently buried and the number of well terminals that would be extended solely based on the proposed regulatory provision cannot be determined. The benefit to the public also cannot be measured. The public would benefit by reduced groundwater exposure to contamination resulting from leaky buried well terminals.

The provision to allow the use of treatment devices in the carbonate rock areas for the removal of contamination indicated by positive tests for fecal coliform bacteria. This provision will affect only Hydrogeologic Area 5. A significant benefit to the public is that individual water supply wells may be constructed and approved as potable water supplies in the vulnerable carbonate rock areas where well construction practices alone may not preclude contamination. The approval of many lots that otherwise could not be

legally developed will have positive economic benefits for the land development community and potential homeowners.

The magnitude of the cost of complying with the proposed regulatory provision to require sealing material the full length of the well bore in central and western Maryland can be determined by estimating the number of wells abandoned and estimate the increased cost of sealing from the depth of casing plus an additional 20 feet. In a sample of wells drilled over the most recent 5 calendar years the number of replacement wells drilled averaged around 167 per year. This number represents approximately 16% of the total number of well construction permits issued in central and western Maryland for replacement wells. The estimated additional cost of sealing well bores an additional 20 feet is estimated as \$200 per well. The total magnitude of the cost would then be \$33,400. Many wells are currently sealed following the proposed regulatory requirement. Additionally, there are different sealing procedures that cost less than the estimated cost, therefore the magnitude of the cost may actually be less. The benefit to the public includes better protection of groundwater quality by eliminating groundwater movement through abandoned wells.

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that meets the proposed regulatory standard. The benefit to the public of requiring steel well casing that is specifically manufactured for well construction, is not measurable.

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Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to John Boris, LEHS, Geologist Program Consultant , MDE-Water Management Administration, Onsite Systems Division, 1800 Washington Boulevard, or call 410-537-3678, or email to john.boris@maryland.gov, or fax to 410-537-3163. Comments will be accepted through September 22, 2014. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 15

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

No

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

NONE

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

The proposed action has a minimal economic impact on small businesses. The additional cost for construction of new wells to serve small business is minimal and very few businesses will actually be impacted. There will be a small positive benefit to well construction and water treatment companies as less restrictions on water treatment will allow a small increase in the number of wells that can be put in service with water treatment which would not be permitted under existing regulation.

G. Small Business Worksheet:

1a. Intended Beneficiaries. Who are the intended beneficiaries of the proposed regulation?

Consumers of drinking water that come from wells are the intended beneficiary of the proposed regulation.

1b. Intended Beneficiaries: Households.

Households that will have a well drilled to provide drinking water are the intended beneficiary of the proposed regulation.

1c. Intended Beneficiaries: Businesses. If businesses are the intended beneficiaries, identify the businesses by industry or by types of business activities.

Businesses are not the intended beneficiary..

How will businesses be impacted?

Are these Maryland establishments' disproportionately small businesses?

If so, how will these Maryland small businesses be affected?

Can you identify or estimate the present number of small businesses affected?

Can you estimate the present total payroll or total employment of small businesses affected?

2a. Other Direct or Indirect Impacts: Adverse. Businesses may not be the intended beneficiaries of the proposal. Instead, the proposal may direct or otherwise cause businesses to incur additional expenses of doing business in Maryland. Does this proposal require Maryland businesses to respond in such a fashion that they will incur additional work-time costs or monetary costs in order to comply?

Yes.

Describe how Maryland establishments may be adversely affected.

Well drilling companies in some infrequent circumstances may have to expend more time and money to drill a new well. This will most likely be passed on to the consumer.

Will Maryland small businesses bear a disproportionate financial burden or suffer consequences that affect their ability to compete?

No. Any new requirement will apply equally to all potential competition.

Can you estimate the possible number of Maryland small businesses adversely affected? (Note that small business compliance costs in the area of regulation are the sum of out-of-pocket (cash) costs plus time costs — usually expressed as payroll, akin to calculations for legislative fiscal notes. Precise compliance costs may be difficult to estimate, but the general nature of procedures that businesses must accomplish to comply can be described.)

The four proposed provisions of the regulations determined to have a potential negative economic impact are: Requiring steel casing to meet certain quality specifications; Increase in 4 inch diameter casing lengths; Extension of buried well terminals; Allowing for treatment for certain water contaminants; and, an increase in the sealing material requirements for abandoned wells in central and western Maryland. Each of these provisions is reviewed in detail below.

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2b. Other Direct or Indirect Impacts: Positive. Maryland businesses may positively benefit by means other than or in addition to changed consumer spending patterns. How may Maryland businesses be positively impacted by this initiative?

There will be a positive effect on water treatment businesses. The proposed regulation allows the use of treatment devices in the carbonate rock areas for the removal of contamination indicated by positive tests for fecal coliform bacteria. This provision will affect only Hydrogeologic Area 5. Individual water supply wells may be constructed and approved as potable water supplies in the vulnerable carbonate rock areas where well construction practices alone may not preclude contamination. The approval of many lots that otherwise could not be legally developed will have positive economic benefits for the land development community and potential homeowners.

Will Maryland small businesses share proportionately or disproportionately in these gains?

Water treatment companies in central or western Maryland will benefit the most.

Can you estimate the possible number of Maryland small businesses positively affected?

No.

3. Long-Term Impacts. There are instances where the longer run economic impact effects from regulations differ significantly from immediate impact. For example, regulations may impose immediate burdens on Maryland small businesses to comply, but the overall restructuring of the industry as a consequence of monitoring and compliance may provide offsetting benefits to the affected small businesses in subsequent years. Can you identify any long run economic impact effects on Maryland small businesses that over time (a) may compound or further aggravate the initial economic impact described above, or (b) may mitigate or offset the initial economic impact described above?

No long term economic impacts are expected.

4. Estimates of Economic Impact. State Government Article, §2-1505.2 requires that an agency include estimates, as appropriate, directly relating to: (1) cost of providing goods and services; (2) effect on the work force; (3) effect on the cost of housing; (4) efficiency in production and marketing; (5) capital investment, taxation, competition, and economic development; and (6) consumer choice.

(1) cost of providing goods and services

The cost of drilling a new well in western Maryland may increase by \$200 per well.

(2) effect on the work force

Individual water supply wells may be constructed and approved as potable water supplies in the vulnerable carbonate rock areas where well construction practices alone may not preclude contamination. The approval of many lots that otherwise could not be legally developed will have positive economic benefits for the land development community and the water treatment community.

(3) effect on the cost of housing

In some circumstances the cost of a new well in western Maryland may increase by \$200

(4) efficiency in production and marketing

n/a

(5) capital investment, taxation, competition, and economic development

n/a

(6) consumer choice.

n/a

Attached Document:

DEPARTMENT OF THE ENVIRONMENT

Subtitle 04 REGULATIONS OF WATER SUPPLY, SEWAGE DISPOSAL & SOLID WASTE

Chapter 04 Well Construction

Authority: Environment Article, § 9-1305 Annotated Code of Maryland

.01 Purpose and Administrative Responsibilities.

A. Purpose. This chapter establishes the standards and procedures applicable to the construction, abandonment and maintenance of wells in Maryland.

B. Pre-emption of Local Authority. In accordance with Environment Article, §9-1304, Annotated Code of Maryland, the regulations of this chapter are the only procedures and standards applicable to construction of wells.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Abandonment" means to discontinue the use of a well permanently.

(2) "Annular space" means the space between casings or between the casing and borehole.

(3) "Approving Authority" means the Secretary of the Environment or the Secretary's designee.

(4) "Aquifer" means a formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to a well.

(5) Bedrock.

(a) "Bedrock" means solid rock that underlies gravel, soil, or other superficial material: and

(b) "Bedrock" also means in absolute terms material that a 6-inch auger, equipped with carbide cutting teeth, penetrates at a rate of less than 1 inch in 3 minutes.

(6) "Bentonite" means a colloidal clay, composed of at least 85 percent sodium montmorillonite.

(7) "Bored well" means any excavation made using power driven equipment where the drill consists of a continuous spiral of metal solid or hollow stem auger or bucket attached to a shaft and where the excavated material is brought to the ground surface by upward movement along the surface of the spiral or removed by lifting the spiral or bucket.

(8) "Borehole" means a hole drilled or bored into the earth, into which casing, screen, liners, grout, gravel pack and other physical objects that may be installed to construct a well. The generalized term includes the excavations for dug, driven, and jetted wells.

(9) "Casing" means any metal, plastic or other pipe installed from the surface to either the bedrock or screened aquifer in the borehole.

(10) "Cathodic protection well" means a well constructed to minimize the electrolytic corrosion of metallic equipment that comes in contact with the ground.

- (11) "Cluster" means a group of wells that are constructed for the same use on the same property.
- (12) "Confined aquifer" means an aquifer that is bounded above and below by beds of distinctly lower permeability than that of the aquifer itself and contains ground water under pressure greater than that of the atmosphere. This term is synonymous with the term "artesian aquifer".
- (13) "Confining layer" means a body of impermeable or of distinctly less permeable material stratigraphically adjacent to one or more aquifers.
- (14) "Department" means the Department of the Environment.
- (15) "Development" means the process whereby a well is pumped, surged, bailed, airlifted, swabbed or jetted to remove any material that may be blocking the well screen or fractures within the borehole.
- (16) "Disinfection" means the inactivation or removal of those agents that may cause infection.
- (17) "Domestic well" means a well used to supply potable water to one or more dwellings.
- (18) "Driven well" means any well in which the casing is manually or mechanically driven into the ground with little or no material excavated during well construction.
- (19) "Dug well" means any well made using only hand tools.
- (20) "Emergency condition" means:
- (a) The lack of water poses an immediate and significant danger to the health and welfare of persons, livestock, domestic fowl, or crops; or
 - (b) The Approving Authority has determined that other exceptional circumstances exist.
- (21) "Geothermal well" means a well used to transfer heat to or from the ground or ground water.
- (22) "Grout" or "grouting material" means a stable, impervious bonding material that is reasonably free of shrinkage and is capable of providing a watertight seal in the annular space throughout the depth required.
- (23) "Hydrofracturing" means a method of developing or reworking an existing well whereby water is pumped down the borehole under pressure in an attempt to increase the well's yield.
- (24) "Industrial well" means a well used to supply water to an industrial or commercial facility for use in processing, washing, or manufacturing of goods and services.
- (25) "Injection well" means any hole made in the ground to inject fluids into any underground formation from which ground water may be produced.
- (26) "Irrigation well" means a well that is used for watering crops other than residential lawns and gardens.
- (27) "Jetted well" means any well made using water under pressure as a means of drilling or penetrating the ground.
- (28) "Jetted-driven well" means a jetted well where the diameter of the excavation is less than the diameter of the well casing used and the well casing is driven into the excavation.
- (29) "Liner" means a pipe that is installed inside a completed and cased well or borehole to:
- (a) Protect the integrity of the borehole;
 - (b) Seal off zones of undesirable quality;
 - (c) Repair compromised casing or;
 - (d) Repair compromised screens.
- (30) "Monitoring well" means a permanent well used for:
- (a) Determining the water table,
 - (b) Determining the potentiometric surface of an aquifer,
 - (c) Obtaining a ground water sample, or
 - (d) Ground water withdrawal for remediation purposes.
- (31) "Non-potable well" means a well that is not used or intended to be used as a drinking water supply
- (32) "Person" means the federal government, the State, any county, municipal corporation, or other political subdivision of the State, or any of their units, an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, or any other entity.
- (33) "Piezometer" means a non pumping well of a temporary nature to measure water tables.
- (34) "Pitless adapter" means a device designed for attachment to the exterior of a well casing and equipped with lateral connections designed for the attachment of pipes leading from the well for purposes of conducting water to a distribution system and allowing extension of well casing above grade.
- (35) "Pitless unit" means a device designed to replace a section of casing with lateral connections designed for the attachment of pipes leading from the well for the purposes of conducting water to a distribution system and allowing extension of well casing above grade.
- (36) "Pollution" means any contamination or other alteration of the physical, chemical, or biological properties of any waters of the State, including a change in temperature, taste, color, turbidity, or odor of the waters, or the discharge or deposit of any organic matter, harmful organism, or liquid, gaseous, solid, radioactive, or other substance into any waters of this State that will render the waters harmful or detrimental to:
- (a) Public health, safety, or welfare;
 - (b) Domestic commercial, industrial, agricultural, recreational, or other legitimate beneficial uses;
 - (c) Livestock, wild animals, or birds; or
 - (d) Fish or other aquatic life.

(37) "Potable water" means water that is free from impurities in amounts sufficient to cause disease or harmful physiological effects and that conforms with the maximum contaminant levels as adopted by the United States Environmental Protection Agency and listed in 40 CFR §141, Subpart G as amended..

(38) "Public well" means a well that is used to supply water to a public water supply system as defined in COMAR 26.04.01.

(39) "Replacement well" means a well that is to replace any existing water supply.

(40) Reworking.

(a) "Reworking" means the rehabilitation or modification of a well.

(b) "Reworking" includes but is not limited to:

(i) Removing and replacing well screen;

(ii) Placing a new screen in a well;

(iii) Placing liner pipe in a well; and

(iv) Redevelopment of a well.

(c) "Reworking" does not include:

(i) Increasing the diameter of a well; or

(ii) Deepening of a well.

(41) "Standby well" means a water supply well that is a backup to the primarily used water supply well which meets the construction and potability standards of this chapter.

(42) "Test well" means a well used for the purpose of exploring for ground water for a water supply and used to determine aquifer properties.

(43) "Unconfined aquifer" means an aquifer that is not bounded above by a bed of distinctly lower permeability than that of the aquifer itself and contains ground water under pressure approximately equal to that of the atmosphere. This term is synonymous with the term "water table aquifer".

(44) "Variance" means a deviation from the requirements of these regulations granted by the Department according to the provisions of Regulation .37.

(45) "Water supply well" means every type of well, except monitoring and closed loop geothermal wells.

(46) "Well" means a hole made in the ground:

(a) To explore for ground water;

(b) To obtain or monitor ground water;

(c) To inject water into any underground formation from which ground water may be produced; or

(d) To transfer heat to or from the ground or ground water, if the hole:

(i) Extends more than 20 feet below the surface of the ground; and

(ii) Is not a well for obtaining geothermal resources under Environment Article, §5-601, Annotated Code of Maryland.

.03 Application for a Well Construction Permit.

A. An application for a well construction permit shall be made on the forms provided by the Approving Authority.

B. A separate application shall be made for each well, except that a single application may be made for a cluster of wells under one of the following conditions;

(1) The cluster is for closed loop geothermal or dewatering wells and the maximum number of wells drilled per application is 20; or.

(2) The cluster is for piezometers used in spill control investigations and other groundwater investigations required by the Department.

(3) If piezometers are converted to permanent monitoring wells, a tag must be obtained for each one.

C. An application shall be legible and complete. An illegible or incomplete application may be returned to the applicant with a statement of the reason for rejection.

D. An application for a well construction permit shall be submitted to the Approving Authority for review, except for:

(1) An application for a test well for a public water supply system or a public well, which shall be submitted to the Department through the Approving Authority; and

(2) An application for a water supply well for use on a dairy farm, which shall be submitted to the Approving Authority who shall submit to the Department of Health and Mental Hygiene for review prior to issuance.

(3) An application for an injection well shall be submitted to the Department through the Approving Authority.

E. An application for dewatering wells shall be made to the Approving Authority if;

(1) The wells will be deeper than 30 feet or;

(2) The well will be in use for greater than 30 days or;

(3) The well will contain pumping equipment.

E. An application for a cluster of wells shall include a drawing indicating the location of each proposed well on the property.

F. For a well permitted as part of a cluster that is proposed to be converted to a permanent monitoring well a separate application shall be made.

G. The Approving Authority may request additional information deemed necessary to consider the application.

.04 Review and Approval of an Application for a Well Construction Permit.

A. Application Review and Approval.

(1) The Approving Authority shall review the application for completeness and notify the applicant of any additional information needed.

(2) The Approving Authority shall approve the application if:

- (a) The application is complete;
- (b) The proposed well meets the criteria of §B of this regulation;
- (c) The proposed source or sources of drilling water meets the requirements of this chapter;
- (d) The Approving Authority has received the required well permit fee, if applicable; and
- (e) One of the following conditions regarding water appropriation or use permitting is met:

(i) An application for an appropriation or use permit has been submitted, if required, in accordance with applicable State law and regulation; or

(ii) A notice of exemption, if required under Environment Article, §5-502, Annotated Code of Maryland, has been made with the Department.

(3) If it approves the application, the Approving Authority shall sign the application and issue a well construction permit.

(4) An application that has been disapproved by the Approving Authority shall be returned to the applicant with a statement of the reasons for disapproval.

B. Criteria for Approval.

(1) A proposed well construction shall be in accordance with the applicable Master Water and Sewer Plan, promulgated in accordance with Environment Article, Title 9, Subtitle 5, Annotated Code of Maryland.

(2) A proposed well location for a water supply or open loop geothermal well shall satisfy the following minimum horizontal distance requirements:

- (a) 10 feet from a property line;
- (b) 15 feet from a road or dedicated right-of-way;
- (c) 30 feet from a building foundation;
- (d) 100 feet from identifiable sources of contamination and designated subsurface sewage disposal areas if the proposed well will utilize an unconfined aquifer as a water supply source;

(e) 50 feet from identifiable sources of contamination and designated subsurface sewage disposal areas if the proposed well will utilize a confined aquifer as a water supply source; and

- (f) Except as provided in §B(3) of this regulation, 50 feet from any sewage gravity or force main.

(3) If a force main is constructed of materials approved by the Department and has passed a leakage test in accordance with the recommended standards for sewage works, and, if required by the Approving Authority, concrete encasement of sewage force main joints have been replaced within a 50-foot radius of the proposed well, then the distance from any force main may be 10 feet.

(4) A proposed well location for a closed loop geothermal well shall satisfy the following minimum distance requirements:

- (a) 10 feet from a property line;
- (b) 15 feet from a road or dedicated right-of-way;
- (c) 50 feet from potential sources of contamination; and
- (d) 50 feet from any gravity sewer line, except the distance of removal shall be at least 10 feet when the sewer is constructed of;

(i) cast iron pipe with either water-tight lead caulked joints or joints fitted with neoprene gaskets, or

- (ii) of solvent welded Scheduled 40 (or SDR equivalent) or better polyvinyl chloride (PVC) pipe, or
- (iii) thermally welded high density polyethylene (HDPE) pipe.

(5) A water supply well may not be located within or under any building other than a separate structure constructed specifically for the housing of pumping equipment.

(6) The Approving Authority may approve a monitoring or closed loop geothermal well location within a building, if unobstructed access to the well is provided.

(7) All wells shall be located so as to be accessible for cleaning, treatment, repair, testing, inspection, and other requirements that may be necessary.

(8) The location of a water supply well shall be in accordance with any conditions on well spacing that may be imposed by the Department through an appropriation or use permit.

C. Notwithstanding satisfaction of the criteria of this regulation, the Approving Authority, before approving a permit, shall determine the acceptability of a proposed well location with regard to all identifiable sources of contamination, topography, surface drainage, easements, and ground water conditions.

D. Upon written request, deviation from the distance criteria may be permitted by the Approving Authority without a variance approved by the Department per Regulation .37 for a domestic well constructed on an individual lot in those cases where the property owner has initiated or completed construction of the residential dwelling for that lot in compliance with all other State, county, or municipal laws and regulations. The request shall describe the need for a deviation and shall contain a statement signed by the owner confirming the basis for a deviation.

.05 Issuance of Well Construction Permits.

A. A well may not be constructed until the Approving Authority has issued a permit to drill the well, except as provided in Regulation .06 of this chapter.

B. The Approving Authority may issue a well construction permit only to a person licensed by the State Board of Well Drillers as a master well driller.

C. Except as provided in Regulation .06 of this chapter, the Approving Authority may issue a well construction permit after receipt and review of a completed application submitted in accordance with this chapter.

D. The Approving Authority may impose special conditions on the permit that are necessary to protect the public health and environment.

E. The Approving Authority shall issue a separate permit for each well, except that the Approving Authority may permit a well cluster under one permit.

F. The permit, if necessary, authorizes the construction of a temporary well to supply drilling water for construction of the permitted well. The temporary well shall be sealed within 48 hours of completion of construction of the permitted well, in accordance with this chapter.

G. Written Permit and Well Identification Tag.

(1) Issuance of a well construction permit shall consist of a written permit and a durable well identification tag.

(2) Written Permit.

(a) The permit shall state pertinent information and requirements applicable to the approved well.

(b) A permit shall be valid for a period of 12 months from the date of issuance by the Approving Authority.

(c) Upon written request by the well driller, a permit may be extended in six month increments by the

Approving Authority.

(3) Well Identification Tag.

(a) The well driller, immediately after grouting the well, shall permanently attach to the well the identification tag furnished by the Approving Authority.

(b) The identification tag shall be permanently fastened to the well casing above the finished grade by means of a stainless steel band.

(c) For wells where a pitless adapter or pitless unit is not used, the identification tag shall be permanently attached or fastened to a concrete base where this base completely surrounds the casing.

(d) For closed loop geothermal wells, the well identification tag shall be supplied to the owner.

(e) If the identification tag is removed from the well during later work on the well, it shall be replaced in the proper position and manner by the person who removes it.

.06 Emergency Procedure to Obtain a Well Construction Permit.

A. The Approving Authority may permit emergency construction of wells for the conditions specified in Regulation .02B(20) of this chapter or for the following types of wells:

(1) Monitoring wells at pollution spill sites to control the spread of the pollution as required by the Department;

or

(2) Geothermal wells if a loss of heating or cooling poses a health threat or significant loss of goods or livestock.

B. If an emergency condition occurs during normal business hours, the Approving Authority may grant an emergency permit in accordance with the following procedures:

(1) The existence of an emergency condition shall be verified by the Approving Authority;

(2) If the emergency is verified to the satisfaction of the Approving Authority, the Approving Authority may issue a verbal emergency permit number to a master well driller;

(3) The permit number shall be in the possession of the permittee during construction of the well, and shall constitute authorization to construct the well;

(4) The emergency permit shall become null and void if well construction is not started within two days after issuance of the emergency permit number; and

(5) Within three business days after the start of construction of the well, the master well driller shall submit to the Approving Authority a completed, written application, including the emergency permit number.

C. If an emergency condition occurs during non business hours:

(1) The master well driller shall attempt to contact the Approving Authority through the Approving Authority's non business-hours emergency telephone number;

(2) If the Approving Authority cannot be contacted, then the well may be constructed without receiving a verbal permit number provided that not later than the first business day following the start of well construction activity, an application is submitted to the Approving Authority; and

(3) The Approving Authority shall verify the emergency condition before the issuance of a permit.

D. Any well constructed under an emergency condition shall be constructed in conformance with all applicable laws and regulations of the Approving Authority.

E. If the new well location is found to be unacceptable by the Approving Authority, the well shall be sealed in accordance with this chapter.

.07 Verbal Authorization to Construct a Well.

A. The Approving Authority may grant verbal authorization to a master well driller to construct a well when:

- (1) The application has been submitted and approved by the Approving Authority; or
- (2) The authorization is for an emergency well.
- B. Verbal Authorization and Permit Number.
 - (1) Verbal authorization shall be accompanied by the issuance of a well construction permit number.
 - (2) Upon request by Approving Authority personnel, the well driller shall supply the well construction permit number for the well being drilled.
- C. Verbal authorization may not be granted if the well is to provide water for a use requiring a permit to appropriate or use water, and this permit has not been obtained or is not valid.
- D. Any well constructed with verbal authorization shall be constructed in conformance with all applicable laws and the regulations of this chapter.

.08 Transfer of Permit.

- A. A well construction permit may be transferred from the permittee to another master well driller provided:
 - (1) The well has not been completed;
 - (2) The permit has not expired;
 - (3) The permittee obtains the Approving Authority's approval to transfer the permit; and
 - (4) The transferee notifies the Approving Authority in writing of their intention to accept the permit.
- B. The transferee shall be responsible for complying with all laws and regulations applicable to the construction of the well.
- C. The transferee may not begin well construction before obtaining the permit and well tag from the permittee and receiving the approval of the transfer from the Approving Authority.
- D. The Approving Authority shall maintain a separate log of permit transfers.

.09 Permit Invalidation.

- A. A permit is invalid if, prior to well completion, the Maryland Board of Well Drillers suspends or revokes the license of the master well driller permit holder.
- B. The Approving Authority may invalidate a permit after a finding that information submitted to support the application was inaccurate.
- C. The Approving Authority may invalidate a permit after a finding that information submitted to support the application is no longer applicable to the site.
- D. The Approving Authority shall notify the permittee that a permit has been invalidated.

.10 Permittee's Responsibilities.

- A. The master well driller to whom a well construction permit is issued is responsible for construction of the well in accordance with the permit and applicable laws and regulations.
- B. All other persons working on a well or potable water supply system, including but not limited to a pump installer, a water-conditioner installer, an electrician, or a master plumber, also shall be responsible for their phase of the work and its conformance to applicable laws and regulations.
- C. Only the permittee, or his licensed employee or licensed agent, is authorized to construct the well.
- D. The permittee, or his licensed employee or licensed agent, shall be present on-site to supervise the work of constructing a well.
- E. Permit information shall be available on-site during construction of the well and made available upon request to the Approving Authority.
- F. The permittee, upon completion of the well, shall prepare, sign, and submit to the Approving Authority a legible well completion report. The requirements for well completion reports are set forth in Regulation .29 of this chapter.

.11 Permits for Reworked and Deepened Wells.

- A. A well construction permit is not required if an existing well requires only reworking or repairing, and not deepening.
- B. If reworking the well includes hydrofracturing, the well driller shall submit a Hydrofracture of Well Report within 45 days after completion of the work as required in Regulation .28.
- C. If an existing well requires deepening, and the well identification number is verifiable by means of the well identification tag or prior permit, a well construction permit is not required except in areas of known water quality problems, however, upon completion, the well driller shall submit to the Approving Authority the well identification number and an updated completion report in accordance with the regulations of this chapter.
- D. If a well requires deepening and the well driller cannot provide the well identification number, the well driller shall apply for a well construction permit.
- E. If a well which is governed by a water appropriation and use permit requires deepening permission must be obtained from the Department.

.12 Procedure for Authorizing Conversions of Test Wells.

- A. A permitted test well that is found to produce the required amount of water may be converted to a water supply well if:

(1) It has been constructed in conformance with the regulations of this chapter for the use for which conversion is sought and COMAR 26.17.06;

(2) Upon written request, the conversion is approved by the Approving Authority;

(3) For wells that are to supply water for a public water supply system, the request is approved by the Department; and

(4) For wells that are to supply water for use on a dairy farm, the request is approved by the Department of Health and Mental Hygiene.

B. A test well may be converted to a monitoring well when requested in writing and approved by the Approving Authority.

C. A test well may be converted to a standby well when requested in writing and approved by the Approving Authority.

D. A test well shall be abandoned and sealed in accordance with this chapter within 180 days after completion unless a longer period of time is approved by the Approving Authority or the Approving Authority has approved its conversion to a water supply well, a monitoring well, or a geothermal well.

.13 Relocation During Construction.

A. If it is necessary to relocate a well under construction in order to obtain sufficient yield or potable water or because of a well construction problem, the well driller may relocate the well construction site under authority of the original permit if:

(1) The new site meets the requirements of this chapter and the requirements of the Approving Authority;

(2) The permittee provides a drawing of the new well location on the well completion report.

B. If the new well location is found to not meet the requirements of this chapter the well shall be abandoned in accordance with this chapter.

.14 Notification of Well Construction Activities.

A. Water Supply Wells.

(1) The permittee shall notify the Approving Authority on the business day prior to commencing well drilling activities to allow the Approving Authority the opportunity to inspect.

(2) The Approving Authority may require that the permittee provide notice before commencing a yield test in Hydrogeologic Area 3.

(3) The Approving Authority may require that the permittee provide notice before the installation of the pitless adapter or pitless unit.

(4) The Approving Authority may require that the permittee provide notification prior to commencing grouting activities to allow them the opportunity to inspect.

B. Non-Potable, Monitoring, and Geothermal Wells.

(1) The Approving Authority may require the permittee give notice in advance of commencing well construction activities on monitoring wells and non-potable wells.

(2) The permittee shall notify the Approving Authority one business day prior to commencing well drilling activities of geothermal wells.

C. A well driller shall notify a municipality if the well will be drilled inside the municipality's corporate boundary line or if the well will be drilled 1 mile or less outside the municipality's corporate boundary line

.15 Construction Standards—Hydrogeologic Areas.

A. Geologic and hydrologic conditions in Maryland require varying well construction standards. For the purposes of this chapter, the State has been divided into five hydrogeologic areas. A map of the approximate hydrogeologic area boundaries is in Regulation .39 of this chapter.

B. The five hydrogeologic areas are:

(1) Hydrogeologic Area 1 - The area where the unconfined Quaternary aquifer of the Maryland Coastal Plain is of major importance; the area described in "United States Geological Survey (USGS) Professional Paper 822, Water Resources of the Delmarva Peninsula, 1973" and "Maryland Geological Survey (MGS), Report of Investigation No. 40, The Columbia Aquifer of the Eastern Shore of Maryland, Part 1 Hydrogeology, 1984";

(2) Hydrogeologic Area 2 - The area where the confined aquifers of the Maryland Coastal Plain are of major importance as described in "MGS, Open File Report 72-02-1, A User's Guide for the Artesian Aquifers of the Maryland Coastal Plain, 1972";

(3) Hydrogeologic Area 3 - The rocks of the Maryland Piedmont and Blue Ridge as described in "MGS, Report of Investigation 10, Ground Water Occurrence in the Maryland Piedmont, 1969", and "MGS, Open File Report 69-02-1, Ground Water Aquifers and Mineral Commodities of Maryland, 1969", exclusive of the carbonate rocks;

(4) Hydrogeologic Area 4 - The sedimentary rocks of the Maryland Appalachian Highlands and Valley and Ridge Provinces, exclusive of carbonate rocks, as described in the references listed in Hydrogeologic Area 3; and

(5) Hydrogeologic Area 5 - The carbonate rocks as defined by the "Maryland Geological Survey, Geologic Map of Maryland", Scale: 1:250,000 dated 1968.

.16 Construction Standards—General.

A. Sanitary Protection During Well Construction.

(1) During well construction, the permittee shall protect against pollution of the well and any water-bearing geologic formations by any cause, including surface water drainage.

(2) Whenever construction ceases before the well is grouted, the open annular space shall be covered by the permittee and the well shall be capped.

B. Water for Well Construction.

(1) Only water from a source approved by the Approving Authority in accordance with this section may be used in the construction and development of a well.

(2) Water used for construction of a well shall be taken from the best source available to the well driller.

(3) The best source, in order of preference, shall be:

(a) A public water supply system meeting the requirements of COMAR 26.04.01 for water quality;

(b) Any other potable water supply;

(c) A nonpotable well;

(d) A temporary well, constructed specifically for the purposes of obtaining water for the construction of the well.

(4) Water used for the construction or development of a well shall:

(a) Have a turbidity of not more than 25 standard units, except when the turbidity is due to the oxidation of dissolved iron or manganese;

(b) Be transported, when necessary, in tank trucks used only for the purpose of transporting drilling or potable water;

(c) Be treated with chlorine in amounts indicated in §B(5) of this regulation;

(d) Have a color of not more than 25 standard units; and

(e) Contain no objectionable odor.

(5) Chlorine treatment required in §B(4)(c) of this regulation, shall be as follows:

(a) For water from a public supply approved under COMAR 26.04.01, a chlorine compound shall be added to the water to produce a free chlorine residual of at least 1.0 mg/l when delivered at the drilling site;

(b) For water from any other potable water supply, the free chlorine residual of at least 3.0 mg/l in the water delivered at the drilling site;

(c) Water from a nonpotable well shall be dosed with chlorine to produce a minimum free chlorine residual of 50 mg/l.

C. Screening in More Than One Aquifer Prohibited. A well may not be screened in more than one aquifer.

D. Sealing-Off Strata. In order to preserve the quality of ground water, the Approving Authority may include a special condition in a well construction permit requiring that aquifers and other strata be sealed off.

E. Well Development. All wells shall be developed according to the following requirements:

(1) Well development means the process whereby a well is pumped, surged, bailed, airlifted, swabbed or jetted to remove any material that may be blocking the well screen or fractures within the borehole;

(2) Development shall continue until formation cuttings, drilling fluids, and additives are removed from the well;

(3) For wells in Hydrogeologic Areas 1 and 2, well development shall remove the fine sand, silt, and clay from the water-bearing zone surrounding the well screen;

(4) Any hydrofracturing shall be performed in accordance with Regulation .28 of this chapter; and

(5) Every well shall be developed in order to obtain the full yield of the well and a water quality that meets all of the following requirements:

(a) Contains less than 5 milligrams sand or larger sized particles per liter of water, where particles with a diameter between 0.0625 and 2.0 mm are considered to be sand; and

(b) Has a turbidity of less than 10 NTU (nephelometric turbidity unit) as determined by methods designated in 40 CFR §141.74(a)(1), except if the turbidity is due to the oxidation of dissolved iron or manganese naturally occurring in the water.

.17 Construction Standards—Casing.

A. Well Casing.

(1) Markings.

(a) Except as provided in §A(1)(b) of this regulation, all casing shall be marked by the manufacturer sufficiently to allow identification of the casing.

(b) Well casing for monitoring wells is exempt from displaying markings.

(c) The well driller shall provide, upon request, sufficient information to allow identification of casing used for monitoring wells.

(2) Plastic Well Casing.

(a) Plastic well casing shall be polyvinyl chloride, PVC, manufactured to meet the standards of the American Society of Testing and Materials (ASTM) Standard F-480.

(b) Plastic well casing shall be installed in accordance with the maximum depth limits specified:

Table 1
Depth Limit, In Feet, for Plastic Water Well Casing
PVC Cell Class 12454, PVC 1120, Type I

<i>Diameter (inches)</i>	<i>SDR</i>	<i>SDR</i>	<i>SDR</i>	<i>SDR</i>	<i>SCH</i>	<i>SCH</i>
	26	21	17	13.5	40	80
2	136	265	517	1085	708	2185
3	"	"	"	"	604	1730
4	"	"	"	"	400	1139
4.5	"	"	"	"	310	M
5	"	"	"	"	242	807
6	"	"	"	"	180	724
8	"	"	"	"	125	498
10	"	"	"	"	92	424
12	"	"	"	"	76	387
16	"	"	"	"	72	—

(c) In Hydrogeologic Areas 3, 4 and 5, plastic well casing may not be used for the main casing where caving conditions occur before casing placement.

(d) Plastic well casing 4 inches or less in diameter shall be a minimum of schedule 40.

(e) All plastic well casing greater than 4 inches in diameter shall be a minimum of SDR 26.

(3) Metal Well Casing.

(a) Metal well casing shall meet one of the following standards:

(i) ASTM standard A-53 or A-589;

(ii) American Petroleum Institute standard 5A or 5L; or

(iii) ASTM standard A312, type 304 minimum, for stainless steel.

(b) Metal well casing of 4 inches or less, nominal size, shall be schedule 40 or better.

(c) Metal well casing greater than 4 inches, nominal size, shall have a minimum nominal wall thickness of 0.188 inches.

(d) The Approving Authority may require that Schedule 40 or Standard Schedule metal well casing be used where there is corrosive water, soil or geology..

(e) Metal casing shall be new, prime pipe, being free of pits or breaks.

(4) Casing material is not permitted which will cause the delivered water to be toxic or violate State or federal primary drinking water standards in effect at the time the well is constructed.

(5) Other types and sizes of well casing may be approved by the Approving Authority for special applications, upon written request by the well driller.

B. Minimum Casing Length.

(1) In Hydrogeologic Areas 1 and 2, the casing shall extend to the top of or into the aquifer used.

(2) In Hydrogeologic Areas 3, 4, and 5, the casing shall extend through the weathered zone and be seated a minimum of 2 feet into bedrock.

(3) Less than 20 feet of casing may not be used in any area except as provided in Regulation .23 of this chapter.

(4) In Hydrogeologic Area 4, the minimum casing length is 40 feet.

C. Minimum Casing Diameter.

(1) Potable water supply wells shall have a minimum main casing diameter of 4 inches in all hydrogeologic areas of the State.

(2) In Hydrogeologic Areas 1 and 2, for potable water supply wells, the 4-inch minimum main casing diameter shall extend to, whichever comes first:

(a) A minimum of 250 feet; or

(b) The top of the aquifer used.

(3) Criteria for Variance for Telescoping Casing.

(a) The Approving Authority shall submit a report to the Department for approval prior to granting variances to §C(2) of this regulation for increasing or decreasing the minimum depth of the 4-inch minimum main casing diameter.

(b) The report shall contain at a minimum the following information:

(i) Area of county where variance is being considered;

(ii) Aquifer for which variance is being considered;

(iii) Discussion of current aquifer usage and predicted aquifer usage; and

(iv) Proposed variance wording.

(c) The report shall be incorporated in the county Master Water and Sewer Plan prior to implementation.

D. Well Casing Joints.

(1) Joints shall be watertight.

(2) Joints for metal casing may be either electrically welded or threaded.

(3) Joints for plastic well casing may be either threaded, solvent welded, or o-ring.

(4) Screws or other mechanical devices may only be used to join PVC well liner:

(i) for solvent welded joints used in liners,

(ii) with non penetrating stainless steel screws,

(iii) and per the recommendations of the pipe manufacturer to maintain their warranty.

E. Other Installation Requirements.

(1) Liners shall meet the standards for well casing under §§A and D of this regulation.

(2) Well casing may not be cut off or cut into below ground except to install a pitless unit.

(3) Well casing shall extend at least 8 inches above the finished grade.

.18 Construction Standards—Screen.

A. Well Screens.

(1) All wells that obtain water from aquifers in Hydrogeologic Areas 1 and 2 shall be equipped with a screen that will adequately prevent the entrance of formation material into the well during use.

(2) Well screens shall have sufficient structural strength to accomplish the purpose for which they are installed.

(3) Well screen openings shall provide, so far as is practical, the maximum amount of open area, consistent with strength of screen material and sediment grain size of the water-bearing formation to permit maximum transmission without clogging.

(4) Well screens, other than those made commercially, constructed by creating openings or slots in the casing, or both, by any mechanical contrivance are prohibited unless approved by the Approving Authority in a special permit condition.

(5) The well screen shall be provided with fittings necessary to seal the screen to the casing. If the screen diameter is smaller than the casing diameter, then extension of the screen blank section to at least 20 feet above the base of the main casing is required, or a packer or a reducer fitting shall be used.

(6) A fitting shall be provided to close the bottom of the screen.

B. Gravel-Packed Wells.

(1) Gravel, which is packed in the annular space, shall be water-washed, disinfected, and free from clay, silt, and organic material.

(2) Gravel pack may not connect aquifers.

.19 Construction Standards—Grouting.

A. All wells shall be grouted in accordance with this regulation.

B. Time Limits.

(1) All wells shall be grouted as soon as possible but not later than 24 hours after the well casing has been set in place in Hydrogeological Area's 1 & 2.

(2) In Hydrogeological Area's 3, 4 & 5 all wells shall be grouted within 72 hours after the permanent casing has been set.

(3) After grouting is completed, there shall be a minimum curing time before drilling may be resumed of:

(a) 18 hours for Type I and Type II Portland cement; and

(b) 12 hours for Type III Portland cement.

C. Grouting Materials.

(1) Cement.

(a) The annular space may be filled with neat Portland or quick-setting cement in a ratio of not over 6 gallons of water per 94-pound sack of cement.

(b) Bentonite may be added to the neat cement grout in an amount not to exceed 6 pounds per 94-pound sack of cement. If bentonite is added to the neat cement grout, then additional water may be added at the ratio of 1 gallon of water per 2 pounds of bentonite.

(2) Bentonite.

(a) Bentonite with a minimum solids content of 20% may be used to fill the annular space in accordance with the following:

(i) When mixed as a slurry, at 2 pounds bentonite per gallon of water; or

(ii) In chip or pellet form and if hydrated per the manufacturer specifications, when the annular space is less than 20 feet in depth.

(b) Bentonite may not be used for grouting where it will come into contact with ground water having a pH below 4.0 or a total dissolved solids content greater than 1,000 mg/l.

(3) Thermal Enhanced Bentonite Grout.

(a) Bentonite slurry shall be mixed per manufacturer specifications.

(b) The sand-bentonite ratio may not be greater than 250 pounds of sand per 50 pounds of bentonite.

(c) Sand shall be "000" well gravel that meets the following:

(i) 95 percent silica sand;

(ii) Have a uniformity coefficient not greater than 1.7; and

(iii) Have a particle size range of 0.60 mm to 0.15 mm.

(4) Thermally Enhanced Cementitious Grout

(a) Shall be mixed per manufacturers specifications; and

(b) Have a permeability rating not less than 1×10^{-7} .

(5) Cement alone or bentonite alone may be required as a special condition in a well construction permit for any well.

(6) If rapid loss of grout material occurs during grout emplacement, coarse fill material may be used in the zone or zones in which the loss is occurring.

(7) Other grouting materials or mixtures may be authorized as a special condition in a well construction permit for any well after review and approval by the Department.

D. Standards for Grouting Unconfined Aquifer Wells in Hydrogeologic Areas 1 and 2. For wells screened in an unconfined aquifer under this section, the annular space shall be grouted to a depth of at least 20 feet.

E. Standards for Grouting Confined Aquifer Wells in Hydrogeologic Area 2. Under this section:

(1) The depth of grouting may not be less than 30 feet;

(2) The annular space above the screen and below the grout shall be completely filled with clay, drill cuttings, or sand before grouting operations begin;

(3) For two part (lapped) telescoped wells, the drilling fluid may be used as fill material in the annular space if the drill fluid has a weight greater than 11 pounds per gallon;

(4) Drilling fluid less than 11 pounds per gallon may not be used as an acceptable fill material;

(5) For wells intended to have a yield greater than 5,000 gallons per day, the grout shall extend from a minimum of 5 feet into the confining bed, immediately above the aquifer being used, to the land surface; and

(6) For wells intended to have a yield of less than 5,000 gallons per day, the grout shall extend from a minimum of 5 feet into the first confining bed, which is at least 5 feet thick, to the land surface.

(7) Relative depths to confining layers are described in "MGS, Open File Report No. 12-02-20, Maryland Coastal Plain Aquifer Information System: Hydrogeologic Framework, 2013"

F. Standards for Grouting Wells in Hydrogeologic Areas 3, 4, and 5.

(1) The annular space shall be grouted completely from the bottom of the casing to the land surface.

(2) The minimum depth of grout may not be less than 18 feet in Hydrogeologic Areas 3 and, and may not be less than 38 feet in Hydrogeologic Area 4 and 5.

(3) If caving conditions are experienced on wells with greater than 30 feet of casing, the annular space shall be grouted from the point where caving occurred or from a depth of 30 feet, whichever is greater, to the land surface.

G. If the annular space cannot be grouted in accordance with these regulations, the well shall be abandoned and sealed in accordance with this chapter.

H. Deviation from Grouting Standards.

(1) Deviation from the grouting standards given in §§D, E, and F of this regulation may be approved by the Approving Authority for unusual conditions that prevent conformance with those standards.

(2) The deviation from the grouting standard shall be requested on a form provided by the Approving Authority. The request shall be submitted to the Approving Authority within 5 days after the well is completed. The Approving Authority shall reject or approve the request within 5 business days.

I. Grout Height.

(1) For wells where a pump is not to be installed, the final grout height shall be at ground grade.

(2) For wells where a pump is to be installed, the final grout height shall be immediately below the pitless adapter or pitless unit.

.20 Construction Standards—Methods of Grouting.

A. All grout shall be emplaced in one continuous operation upward from the bottom of the casing or depth specified in these regulations.

B. Pouring, dumping, or shoveling of grout slurries into the annular space or well bore are prohibited.

C. The drilling fluids in the annular space shall be thinned before grouting to a density less than that of the intended grout density.

D. Grout shall be emplaced so that it completely displaces the fluid in the annular space from the bottom of the interval being grouted to the ground surface.

E. The following are approved methods of grouting when performed in accordance with the conditions specified:

(1) Grout Pipe Outside of Casing (Tremie Pipe).

(a) The annular space shall be a minimum of 1½ inches.

(b) All grout shall be placed by pumping through the grout pipe.

(c) The entire interval to be grouted shall be open and without obstructions; washing or jetting with water is recommended for cleaning the borehole and may serve to remove obstructions caused by caving which otherwise would prevent a proper grout.

(d) The grout pipe shall extend from the surface to the bottom of the interval to be grouted.

(e) The grout pipe may remain extended to the bottom of the interval during and after grouting, or it may be raised slowly as the grout is placed provided that the discharge end of the grout pipe remains submerged in the emplaced grout at all times until grouting is completed.

(f) In the event of interruption in the grouting operations, the bottom of the grout pipe shall be raised above the grout level and should not be resubmerged until the air and water have been displaced from the grout pipe.

(g) Grouting Depths of 20 feet or Less. Grout may be placed by a grout pipe inserted only 10 feet into the annular space, provided that:

(i) The entire interval to be grouted is clearly visible from the surface and is dry.

(ii) An annular space larger than the minimum 1½ inches may be required to assure visibility from the surface.

(2) Grout Pipe—Inside Casing.

(a) The bottom of the casing is fitted with a cementing shoe or float shoe and the casing is placed in the borehole a short distance off the bottom;

(b) The grout pipe is placed in the casing a short distance from the float shoe or is mechanically attached to the float shoe; and

(c) Grout is pumped through the grout pipe until grout appears at the land surface.

(3) Grouting with Bentonite Chips or Pellets. A well may be grouted using bentonite chips or pellets under the following conditions:

(a) The grouting depth is 20 feet or less;

(b) The annular space is open and free of obstruction;

(c) The annular space is at least 1½ inches;

(d) The drilling fluid, if present, is thinned to a viscosity of less than 30 seconds and the weight is less than 9 pounds per gallon;

(e) The bentonite chips or pellets may be poured down the annular space; and

(f) The annular space is continuously measured to assure proper filling without bridging.

(g) If bridging occurs and the annular space cannot be completely filled then:

(i) The annular space shall be jetted to remove the bentonite, or

(ii) The well shall be abandoned and sealed in accordance with this chapter.

(4) The Approving Authority may approve other grouting methods not specifically identified by this regulation.

.21 Construction Standards—Upper Terminal of Well.

A. Except as provided for in this regulation, the following construction techniques for upper terminals for potable water supply wells are prohibited:

(1) Use of buried well seals, or other devices, including a buried “sanitary well seal” to cap wells below ground surface and provide access for electrical cable or water pipes; and

(2) All pits, including frost pits, which are holes or depressions in the ground surrounding casings, in which all pumping and other equipment subject to freezing is emplaced.

- B. All wells shall be extended at least 8 inches above final grade.
- C. In areas where flooding is likely to occur, including 100-year flood plains and coastal areas, the casing shall terminate at least 24 inches above finished ground surface or pump house floor.
- D. Pitless Adapters or Pitless Units Required.
- (1) Pitless adapters or pitless units shall be installed on all water supply wells except:
 - (a) Wells enclosed in an above-grade pump house;
 - (b) Wells for a public water supply if enclosed in a below-grade pump house or water treatment facility that conforms to regulations of the Department concerning public water supply system design
 - (c) For suction lift systems where the well casing is 2 inch in diameter or less and used as a suction line a standard plumbing tee may be used as a pitless adapter.
 - (2) All pitless adapters and pitless units shall:
 - (a) Be of a type approved by the National Sanitation Foundation International;
 - (b) Meet the standards of the Water Systems Council; or
 - (c) Be approved by the Approving Authority.
 - (3) Exemptions. Irrigation wells with a terminal 2 feet above grade and fitted with a ventless sanitary well cap are not required to have a pitless adapter or pitless unit installed.
- E. Proper Installation of Pitless Adapters or Pitless Units.
- (1) The well casing or pitless adaptor or pitless unit shall be located at least 8 inches above the finished ground surface or pump house floor if located inside of a building.
 - (2) Connections of the Pitless Adapter or Pitless Unit.
 - (a) Connections of the pitless adaptor or pitless unit to the well casing and the lateral connections from it shall be watertight.
 - (b) A metal-cutting hole saw shall be used to construct the pitless adapter hole in the casing.
 - (c) Cutting the pitless adapter hole in the casing by using an acetylene torch is not permitted.
 - (d) All burrs resulting from the cutting operation shall be removed.
 - (e) Both outside and inside surfaces of that portion of casing surrounding the pitless adapter hole shall be made smooth.
 - (3) A pitless adapter or pitless unit shall be installed in conformance with the depth of water service pipe requirements of the applicable State or county plumbing code.
- F. Well Caps.
- (1) All wells shall be capped with one of the following:
 - (a) A watertight, screened vented cap;
 - (b) A watertight cap; or
 - (c) The base of a pump motor, provided that, to prevent the entrance of vermin and debris:
 - (i) The motor mount provides a watertight seal; and
 - (ii) If venting is required, the vent is screened.
 - (2) All well caps shall:
 - (a) Meet one of the following requirements:
 - (i) Comply with the standards of the National Sanitation Foundation International or the Water Systems Council; or
 - (ii) Be a type approved by the Approving Authority; and
 - (b) If screws, nuts, and bolts are used in them they must be stainless steel.
 - (3) The electrical conduit access shall be plugged if the pump is not installed.
- G. In areas where flooding is likely to occur, including 100-year flood plains and coastal areas, wells shall be fitted with flood resistant caps.
- H. Flowing Artesian Wells.
- (1) All wells, including a flowing artesian well, may not be allowed to run water to waste.
 - (2) A flowing artesian well shall be fitted with a watertight cap or be fitted with a valve to stop the flow of water.
- I. Access Port for Water Level Measurement. The Department, through a special condition in a Water Appropriation and Use Permit, may require that any well be equipped with an access port for water level measurements.
- J. For irrigation wells where the pumping equipment is installed and removed every season the well shall be capped as follows:
- (1) A sanitary well seal may be used when the pumping equipment is installed; and
 - (2) A watertight or screen-vented cap shall be used when the pumping equipment is not installed.
- .22 Construction Standards—Pumping Equipment.**
- A. The selection and installation of the pumping equipment shall conform to COMAR 09.20, or the local plumbing code, whichever is more stringent.
- B. Electrical connections for pumping equipment shall conform to the National Electrical Code, or to the local electrical code, whichever is more stringent.
- C. If a safety rope is used it:
- (1) Shall be secured in the interior of the well; and

- (2) May not penetrate the well casing or cap.
- D. If an electrical conduit is present at the well terminal, it shall:
 - (1) Be secured to the well cap so as to prevent the entrance of vermin and debris;
 - (2) Be plugged at the interior opening with caulk or other suitable material to provide a water-resistant and insect-resistant seal; and
 - (3) Extend at least 18 inches below the finished grade.
- E. Upon completion of pump installation, the person installing the pumping equipment shall disinfect the well, pump, and water supply system in accordance with this chapter.
- F. In areas of the State where the plumbing code does not specify pump installation requirements, then the pumping equipment shall be installed in accordance with the manufacturer's recommendations.

.23 Construction Standards and Special Requirements for Specific Types of Wells.

A. The following special requirements for specific types of wells based on the intended use of the well are as follows:

- (1) Irrigation Wells.
 - (a) Wells in unconfined aquifers in Hydrogeologic Areas 1 and 2 used solely for irrigation shall have an annular space grouted to a minimum depth of 20 feet below land surface.
 - (b) All other irrigation wells shall meet the grouting requirements of Regulation .19 of this chapter.
 - (2) Monitoring Wells.
 - (a) The well driller shall submit to the Approving Authority the construction specifications that are proposed for a monitoring well as an attachment to the permit application.
 - (b) The Approving Authority may approve, as a special condition of a permit, special construction standards for wells installed for the purpose of monitoring ground water.
 - (c) If the Approving Authority does not approve special construction standards, then well construction shall comply with the provisions of this chapter.
 - (d) For an at-grade or below-grade well terminal, the well terminal shall be water tight and enclosed in a well vault.
 - (3) Injection Wells.
 - (a) The well driller for an injection well shall submit to the Approving Authority the construction specifications that are proposed as an attachment to the permit application.
 - (b) The Approving Authority may not issue a permit to construct an injection well unless a State Discharge Permit has been issued by the Department.
 - (4) Geothermal Wells—Closed Loop.
 - (a) The pipe material, jointing, pressure testing and anti-freeze solutions for a closed loop geothermal well shall conform to the standards of COMAR 09.15.05.
 - (b) The anti-freeze solution shall be environmentally safe.
 - (c) The borehole of a closed-loop geothermal well shall be grouted from the bottom of the borehole to the ground surface.
 - (d) The upper terminal of a closed-loop geothermal well may terminate below grade if:
 - (i) The well location is marked by a metal plate so that the location can be found by a metal detector; or
 - (ii) The manifold and horizontal lines are marked with detection tape.
 - (e) When the closed-loop geothermal well is terminated below grade, the well tag shall be attached to the flow center.
 - (f) If using copper as an exchange medium a maintenance agreement must be recorded in the County land records.
 - (5) Cathodic Protection Wells
 - (a) The borehole of a cathodic protection well shall be grouted from the bottom of the borehole to the ground surface.
 - (b) The well driller shall submit to the Approving Authority the construction specifications that are proposed for a cathodic protection well as an attachment to the permit application.
 - (6) Dewatering Wells
 - (a) The annular space of a dewatering shall be grouted to a depth of 5 feet below the static water level.
- B. The following specific construction standards for specific wells, based on construction method, are as follows:
- (1) Driven Wells.
 - (a) Driven wells may not be used for a potable water supply.
 - (b) In a driven well an oversize hole for grout, at least 4 inches greater in diameter than the casing, shall be constructed to a depth of at least 10 feet, and the annular space between this hole and the casing shall be grouted to land surface.
 - (c) The upper terminal of a driven well and pitless adapter or pitless unit installation shall be in accordance with this chapter.
 - (2) Bored, Augered, and Dug Wells Cased with Concrete Pipe.

- (a) Bored, augered, and dug wells shall have a borehole with a minimum diameter of 6 inches larger than the outside diameter of the casing.
- (b) The annular space shall be filled with grout to a depth of at least 30 feet below land surface, unless otherwise approved by the Approving Authority.
- (c) The annular space below the grout shall be filled with a sand or gravel pack.
- (d) Joints in the concrete casing shall be sealed with an impervious seal, such as cement and o-rings, to a depth of at least 20 feet.
- (e) The casing shall extend to a depth of at least 2 feet below the lowest seasonal water table.
- (f) The minimum depth of the casing shall be 20 feet.
- (g) The well shall be protected with either:
 - (i) A precast, overlapping, steel-reinforced concrete cover; or
 - (ii) A metal cover at least 3/16 of an inch thick and fitted with a watertight gasket.
 - (iii) Be at least 8 inches above grade.
- (3) Jetted and Jetted-Driven Wells.
 - (a) Jetted and jetted-driven wells shall be grouted to a minimum depth of 20 feet. This will necessitate construction of an oversize hole for grout to this depth.
 - (b) Jetted and jetted-driven wells may not be used for potable water supplies.
 - (4) Horizontal Wells. The well driller shall submit plans with the Application for a Permit to Drill that provide details on how the horizontal well is to be constructed and identify the materials to be used.

.24 Disinfection of Wells and Water Supply Systems.

- A. Upon completion of well construction activities, the permittee shall disinfect a water supply well in accordance with this regulation.
- B. Whenever any work is done on the well after disinfection of the well by the well driller, the person doing the work shall be responsible for disinfection of the well and water supply system in accordance with this regulation.
- C. Material. Tablets or dry granular material may not be used as the only chlorination material. The materials, which may be used for disinfection, are:
 - (1) Calcium hypochlorite,
 - (2) Sodium dichloro-triazine dehydrate or
 - (3) Sodium hypochlorite.
- D. Standard Disinfection Procedure.
 - (1) The chlorine shall be placed in the well in quantities that will produce a concentration of at least 100 mg/l chlorine. The amount required to obtain this concentration will depend on the casing diameter and the amount of water in the well.
 - (2) The well shall be chlorinated using all of the following sequential steps:
 - (a) Chlorine tablets or granular chlorine shall be dropped in the top of the well and allowed to settle to the bottom, or a prepared 10 gallon chlorine solution, with a chlorine concentration of at least 100 mg/l, but not more than 500 mg/l, shall be placed in the bottom of the well by pumping or gravity through a tremie pipe, drill rod, hose, or other approved method.
 - (b) A chlorine solution of at least 10 gallons and producing a concentration of at least 100 mg/l, but not more than 500 mg/l, in the well shall be introduced (poured) into the top of the well. All surfaces above the static level shall be washed with this solution.
 - (c) After the solution has been placed in the well, the water shall be agitated to thoroughly disperse the solution. Agitation may be accomplished by turning the pump on and off, or if no pump is available, by using a bailer, a swab, a plunger, air, or other approved method.
 - (d) If the well has been connected to the pressure tank and distribution system, a small amount of the chlorinated water shall then be pumped through the system to thoroughly disinfect the system.
 - (e) The well shall be allowed to stand without further agitation for at least 12 hours.
 - (f) If a residual of at least 5 mg/l chlorine remains in the water after 12 hours, the well shall then be pumped to waste until the odor and taste of chlorine is no longer detectable. If less than 5 mg/l free residual chlorine is found in the water after 12 hours, the disinfection procedure shall be repeated.
 - (3) Chlorinated water and water pumped during the flushing of the well during the disinfection procedure may not be discharged:
 - (a) To an on-site sewage disposal system; or
 - (b) Directly to surface waters of the State.
- E. Disinfection Procedure for Wells That Do Not Respond to the Standard Procedure.
 - (1) If, after testing, the well cannot meet the bacteriological standard of this chapter, it shall be chlorinated as in §D of this regulation.
 - (2) If the well remains unresponsive after repeating the standard disinfection procedure per this section, a volume of water chlorinated to a concentration of 100 mg/l and at least two times the volume of chlorinated, standing water in the well, but not less than 50 gallons, shall be introduced into the well in order to completely displace the volume of chlorinated, standing water and force it out into the water bearing formation.

F. If bacteriological contamination persists after repeated disinfection, the Approving Authority may require the well to be abandoned and sealed in accordance with this chapter.

.25 Maintenance and Repair.

A. All material used in the maintenance, replacement, or repair of any well shall meet the requirements for new installation.

B. Broken, punctured, or otherwise defective or unserviceable casing, screens, fixtures, seals, or any part of the wellhead shall be repaired and replaced, or the well shall be properly abandoned and sealed.

C. Any work performed on a water supply well with a well cap not meeting the standards of this chapter, shall also include the installation of a well cap meeting the standards of this chapter.

D. Extension of the well casing for an above-grade terminal shall be completed in the following manner:

- (1) Install a pitless unit;
- (2) If plastic casing is existing, then solvent weld additional plastic casing;
- (3) If metal casing is existing, then thread or weld additional metal casing
- (4) a mechanical compression coupling; or
- (5) Install a pipe coupling that is approved by the Approving Authority.

.26 Minimum Yield and Yield Testing for Domestic Water Supply Wells.

A. A domestic well or double well combination shall produce a minimum yield of 1 gallon per minute for 6 hours.

B. Replacement wells servicing an existing dwelling are exempt from the minimum yield requirement of 1 gallon per minute.

C. The Approving Authority may require a mandatory yield test in any hydrogeologic area of the State for any well, if it is determined that a yield test is necessary to assure an adequate water supply.

D. The County Water and Sewer Plan shall delineate those areas where a mandatory yield test is required for water supply wells in Hydrogeologic Areas 1, 2, 4, and 5.

E. Each domestic well in Hydrogeologic Area 3 shall be tested for yield in accordance with §G of this regulation unless the requirement has been waived pursuant to §F of this regulation.

F. The County Water and Sewer Plan shall delineate those areas in Hydrogeologic Area 3 where the mandatory yield test is waived.

G. Yield Test Procedures.

(1) Except as provided in §F of this regulation, all domestic wells drilled in Hydrogeologic Area 3 shall be yield tested as provided below:

(a) On the yield test report form, the permittee shall note pertinent data related to the yield test, including but not limited to:

- (i) Static water level;
- (ii) Measured depth of well;
- (iii) Whether the well has been hydrofractured;
- (iv) Estimated well yield prior to hydrofracturing;
- (v) Depth of test pump in well;
- (vi) Name of the person performing the test;
- (vii) License number of person performing test; and
- (viii) Well construction permit number;

(b) The pump and related equipment shall be placed in the well;

(c) Pumping shall begin at a rate of withdrawal greater than 8 gallons per minute until the water level drops to a point close to the pump;

(d) If the water level drops to near the pump, the pumping rate shall be adjusted so that the water level remains constant;

(e) Measure and record the flow rate of water discharged and water level at 15 minute intervals throughout the test; and

(f) Discharge water at least 50 feet from the well and any on-site sewage disposal system.

(2) A single interruption of pumping of up to 15 minutes due to equipment failure or other unusual circumstances is permitted, but the amount of down time shall be made up by additional pumping at the end of the test.

(3) The criteria for approval shall be a minimum yield of one gallon per minute for 6 hours continuous after the well has been pumped out §G(1)(c).

(4) The pump test may be terminated early and the well yield shall be considered adequate if a well:

(a) Cannot be pumped out after 3 hours pumping as provided in §G(1)(c) of this regulation; or

(b) Yields 4 gallons per minute or greater for 3 hours continuous pumping, after the well has been pumped out as provided in §G(1)(c) of this regulation.

H. The Approving Authority may permit two wells to be connected to meet the minimum yield requirement if:

(1) A written request is submitted to the Approving Authority for each installation;

(2) The wells to be connected are tested in accordance with the yield test procedures of this chapter;

(3) Each well demonstrates a yield of at least 0.5 gallons per minute during the yield test; and

(4) Both wells are tested for yield at the same time.

I. The yield test data shall be submitted to the Approving Authority for review.

J. Domestic Water Supply System Standard.

(1) The water supply system shall produce not less than 500 gallons of water in a 2-hour period, at least once each day.

(2) If the sustained yield of the well is not capable of meeting the total water supply standard, sufficient storage shall be provided.

(3) If well storage is selected, the amount of storage required is calculated by subtracting the well's yield over a 2-hour period from 500 gallons.

(a) A quantity of water in storage is equal to the number of feet below the static water level and 10 feet from the bottom of the well, multiplied times 1.5 gallons per foot for a 6 inch well or 0.65 gallons per foot for a 4 inch well.

.27 Yield Test for Nondomestic Wells.

The Department may require a yield test for a nondomestic well as part of the data collection requirements associated with an application for a Water Appropriation and Use Permit.

.28 Hydrofracture of Wells.

A. The Approving Authority shall be notified at least 2 business days in advance of commencing hydrofracturing work on an existing well.

B. Hydrofracturing may not be conducted on any well not constructed according to the requirements of this chapter without approval from the Approving Authority.

C. Hydrofracturing may not be conducted in Hydrogeologic Area 5 without written permission from the Approving Authority.

D. Hydrofracturing may be performed only by qualified professionals who possess a Maryland well driller's license or who are working as a subcontractor and under the direct supervision of a licensed Maryland well driller.

F. Hydrofracturing a well within 100 feet of another water supply well requires written approval of the Approving Authority.

G. The well to be hydrofractured shall be at least 50 feet from any other potable water supply well.

J. Hydrofracturing a water supply well or test well within 500 feet of a landfill or area of known ground water contamination requires the Approving Authority's written approval.

K. The well to be hydrofractured shall be at least 100 feet from any potential source of contamination.

L. Water used for hydrofracturing shall:

(1) Meet the requirements of Regulation .16B(3)(a) and(b) of this chapter; or

(2) Be from a source approved by the Approving Authority. .

M. New well construction may require deepening to meet the minimum system yield requirements of Regulation .26J of this chapter if there is a drop in static water level as a result of hydrofracturing.

N. After hydrofracture, the total volume of water introduced into the well shall be removed prior to conducting test for yield in accordance with the procedures outlined in Regulation .26G of this chapter.

O. Hydrofracture of Well Report.

(1) The well driller shall file a Hydrofracture of Well Report to the Approving Authority within 45 days after hydrofracturing the well.

(2) Yield test data shall be submitted with the Hydrofracture of Well Report for both new wells and existing wells.

.29 Well Completion Reports.

A. The permittee is responsible for submitting, on a form provided by the Approving Authority, a well completion report.

B. Submission.

(1) The well completion report shall be submitted to the Approving Authority by the permittee not later than 45 days after construction or deepening of the well has been completed or after construction activity on an unsuccessful well, or dry hole, has been terminated.

(2) Well construction activity shall be considered complete for the purpose of this regulation when the permittee:

(a) Does not install the pump and the well is grouted ; or

(b) Installs the pump before expiration of the permit and the well is ready for use.

C. Information Required.

(1) The permittee shall provide all information required in the well completion report form in accordance with Environment Article §9-1308.

(2) For a well cluster, a drawing of the well locations shall be submitted with the well completion report for each well.

(3) If geophysical logs were generated, then the driller shall submit two copies of the log.

.30 Approval of Well for Use as Potable Water Supply.

A. When Certificate of Potability Required.

- (1) A person may not put into service a well or water supply system that may be used for human consumption unless the Approving Authority has first issued a Certificate of Potability for the well.
- (2) This section does not apply to any well that is not used as a potable water supply.
- (3) If a well is later converted from a nonpotable water supply well to a potable water supply well, the well shall:
 - (a) Meet the requirements of §B of this regulation; and
 - (b) Be approved by the Approving Authority.
- (4) Before a standby well can be used as a potable water source, the owner shall obtain , a Certificate of Potability for the well.

B. Certificate of Potability. The Approving Authority may issue a Certificate of Potability if a well meets the following criteria:

- (1) The well has been constructed in accordance with this chapter;
- (2) The well has been constructed in accordance with any permit special condition;
- (3) The well meets the yield requirements of this chapter;
- (4) The well completion report has been submitted in accordance with Regulation 29;
- (5) The well identification tag is affixed to the well; and
- (6) The well meets the requirements, as applicable, for a public water supply system under §C of this regulation or a nonpublic potable water supply system under §D of this regulation.

C. A well for a public water supply system shall:

- (1) Be approved by the Department; and
- (2) Meet the requirements of COMAR 26.04.01.

D. A well for a nonpublic potable water supply system, upon sampling and testing by the Approving Authority, shall meet the following limits:

- (1) Bacteriological, which means that:
 - (a) The well water has tested negative for the presence of coliform bacteria for two consecutive samples collected at least 24 hours apart; and
 - (b) The water samples were analyzed following procedures approved for use in accordance with COMAR 26.08.05; and
- (2) Chemical and physical, which means that.
 - (a) A well water sample meets the maximum contaminant limits of COMAR 26.04.01 for Nitrate-nitrogen; and

(b) A well water sample meets the turbidity standards as specified under Regulation .16E of this chapter.

E. Additional analyses of the water may be required by the Approving Authority if it has reason to believe that constituents may be present in amounts that may be adverse to human health.

F. Potable water contaminant standards for nonpublic potable water supply systems shall be the maximum contaminant levels for potable water adopted by the US EPA and listed in 40 CFR §141 Subpart G as amended.

G. Issuance of Interim Certificate of Potability.

- (1) The Approving Authority may issue an Interim Certificate of Potability if the well meets the following:
 - (a) The most recent bacteriological sample from the well has tested negative for the presence of coliform bacteria; and
 - (b) The water sample from the well meets the chemical and physical water quality standards of §§D(1) and (2), and F of this regulation.
- (2) A water system may be put into service with an Interim Certificate of Potability.
- (3) The subsequent water sample shall be collected within 6 months of the date of the first water sample and if this water sample is negative for coliform bacteria, a Certificate of Potability may be issued for the water system.
- (4) The Approving Authority may impose special conditions on an Interim Certificate of Potability.

H. Wells Failing to Meet Requirements for Certificate of Potability.

(1) The Approving Authority may grant additional time for a well failing Certificate of Potability requirements to be brought into compliance with this chapter.

(2) Except for those wells granted a permanent deviation in accordance with §J of this regulation, wells that cannot be brought into compliance with this chapter shall be abandoned and sealed.

(3) If, in the opinion of the Approving Authority, the results of the analysis required in this regulation indicate that constituents are present in amounts that may be adverse to human health or safety, a Certificate of Potability may not be issued.

I. Special Conditions. The Approving Authority may impose special conditions on a Certificate of Potability.

J. Granting of Permanent Deviation.

- (1) The Approving Authority, as a special condition, may grant a permanent deviation to the Certificate of Potability to install an adequate:
 - (a) Water disinfection device;
 - (b) Nitrate removal device;
 - (c) Naturally occurring radionuclide removal device; or
 - (d) Water treatment device for any naturally occurring inorganic contaminant that exceeds the standards set in §D of this regulation.

(2) All water treatment devices approved as a special condition in a Certificate of Potability shall be approved only under the following conditions:

(a) The well has been carefully evaluated to determine that there are no physical defects and the well was constructed in accordance with this chapter; and

(b) A public water supply is not available.

(3) A water treatment device approved as a special condition in a Certificate of Potability for water disinfection shall be approved only if:

(a) The well has not responded to the disinfection procedures described in Regulation .24 of this chapter; and

(b) In Hydrogeologic Areas 1, 2, 3, and 4, fecal coliform contamination is not present.

(4) In Hydrogeologic Area 5, the Approving Authority may grant a permanent deviation for fecal coliform provided the following treatment is provided:

(a) 1 micron absolute filtration;

(b) Chlorination; and

(c) Ultraviolet radiation.

(5) If a permanent deviation is granted an attachment to the property deed shall be made that reflects the need for treatment, prior to the issuance of the Certificate of Potability.

(6) A water treatment device for nitrate removal may be approved as a special condition in a Certificate of Potability. The approval requires that a source of water having less than the maximum contaminant level for nitrate as set in 26.04.01 is not available less than 600 feet beneath the surface of the ground.

(7) A water treatment device for arsenic removal may be approved as a special condition in a Certificate of Potability. The approval requires that a source of water having less than the maximum contaminant level for arsenic as set in 26.04.01 is not available less than 600 feet beneath the surface of the ground.

(8) A water treatment device approved as a special condition in a Certificate of Potability for naturally occurring radionuclide removal shall be approved only if a radionuclide free aquifer is not available less than 600 feet beneath the surface of the ground.

(9) Any water treatment device approved as a special condition in a Certificate of Potability shall be capable of removing the targeted contaminant to levels below the standards set in §D of this regulation.

(10) The Approving Authority may require submittal of a continuing service contract for the water treatment device prior to granting the permanent deviation.

.31 Tests by a Maryland Certified Water Laboratory.

A. At the option of the Approving Authority, the results of water quality tests performed by a Maryland certified water laboratory may be substituted for results obtained by the Approving Authority from a State-operated laboratory.

B. The Maryland certified water laboratory shall certify that the sample was obtained and transported in accordance with COMAR 26.08.05.

C. All tests taken by a Maryland certified water laboratory for an initial Certificate of Potability shall be submitted to the Approving Authority by the well owner prior to issuance of the Certificate of Potability.

.32 Release of Information on Test Results.

A. The Approving Authority shall maintain files of test results and shall release copies of these results, upon request, to the person who requested the tests and to persons for whose benefit the tests were performed.

B. Copies of the Certificate of Potability shall be released to all subsequent owners of the property or their agents upon request.

C. The Approving Authority shall provide, with each well sample result, the address and telephone number of the office where an interpretation of the test results may be obtained.

D. When the Approving Authority believes the sample, due to the collection and analysis date, is no longer representative of the condition of the well, the Approving Authority shall include this information along with the sample results.

.33 Well Owners' Responsibilities.

A. Every well shall be maintained in a condition to conserve and protect the ground water resource.

B. After the well is completed, the well owner is responsible for maintaining the upper terminal of the well as specified in this chapter.

C. The owner of a flowing artesian well shall maintain the upper terminal of the well to prevent the wasting of water as provided in this chapter.

D. After the well is completed, the well owner shall maintain the access port in a manner that prevents the entrance of water, dust, insects, or other foreign material and permits ready access for water level measurements.

E. After the well is completed, the well owner is responsible for maintaining the identification tag attached to the well.

F. Whenever work is done on the well, the work shall be done in accordance with this chapter.

G. The well owner shall disclose all special conditions written into an Interim Certificate of Potability or Certificate of Potability to any purchaser of the property served by a well before entering into a contract of sale or lease.

.34 Well Abandonment and Sealing Standards—General.

- A. Any well shall be considered abandoned when:
- (1) The well is in such a state of disrepair that continued use for its intended purpose is impracticable;
 - (2) The well has been permanently disconnected from any water supply system or irrigation system; or
 - (3) The well is unsuccessful, that is, it does not meet the requirements of this chapter;
- B. All wells constructed prior to April 1, 1969 that are not in use shall be abandoned.
- C. An abandoned well shall be filled and sealed in accordance with this regulation.
- D. The Approving Authority may require a well owner to abandon and seal a well if it:
- (1) Is causing or is a potential source of pollution of waters of the State;
 - (2) Is producing water that is polluted;
 - (3) Does not have an Interim Certificate of Potability, if required; or
 - (4) Is no longer needed for its intended purpose.
- E. Well sealing shall:
- (1) Restore as nearly as possible those subsurface conditions that existed before the well was constructed, taking into account changes, if any, that have occurred since the time of construction or;
 - (2) Provide better protection against aquifer communication through the borehole.
- F. An abandoned well shall be sealed in such a way that:
- (1) If it is a cased well:
 - (a) The annular space is sealed so that it will not act as a channel for the interchange of waters; and
 - (b) The interior of the well casing is sealed so that it will not act as a channel for the interchange of waters;
 - (2) If it is an uncased well bore, it will not act as a channel for the interchange of waters; and
 - (3) It will not present a hazard to the safety and well-being of humans or animals.
- G. Any abandoned well shall be sealed only:
- (1) By a well driller licensed by the Maryland State Board of Well Drillers; or
 - (2) Under the supervision of a representative of the Approving Authority.
- H. Abandonment and Sealing Notification. For wells designed to be used at a rate of more than 10,000 gallons per day, a licensed well driller shall:
- (1) Provide written notification to the Approving Authority that identifies the well to be sealed and an outline of the work to be done;
 - (2) Identify whether the well casing is to be perforated or ripped; and
 - (3) Provide 24-hour notification to the Approving Authority before the commencement of sealing operations.
- I. Abandonment and Sealing Approval.
- (1) When the Approving Authority has reason to believe that the sealing of a well necessitates close supervision, it may require:
 - (a) The submission of sealing plans and specifications for approval before sealing operations are initiated; and
 - (b) 24 hours notice before the commencement of sealing operations.
 - (2) The Approving Authority may approve of a well sealing procedure not identified in Regulation .36 of this chapter, provided the sealing procedure complies with §D of this regulation .36D.
- J. Reports on the Abandonment and Sealing of Wells.
- (1) When a well is abandoned and sealed, the person sealing it shall submit a completed Water Well Abandonment Sealing Report on the form provided by the Approving Authority.
 - (2) This report shall be submitted not later than 45 days after abandonment and sealing of the well or test hole.

.35 Well Sealing Materials.

- A. The following sealing materials are acceptable to seal a well:
- (1) Concrete when mixed at five 94-pound sacks of Portland cement per yard of concrete;
 - (2) Neat Portland cement grout when mixed in accordance with Regulation .19 of this chapter;
 - (3) A mixture of five 94-pound sacks of Portland cement and 1 cubic yard sand;
 - (4) Bentonite, if used:
 - (a) As a slurry mixed at 2 pounds per gallon water; or
 - (b) In chip or pellet form; and
 - (5) Combinations of these materials.
- B. Drilling fluid may not be used to seal a well.
- C. Fill Materials.
- (1) Clay, silt, sand, gravel, crushed stone, mixtures of these materials, and sealing materials may be used as a filler in sealing a well.
 - (2) In the sealing of an unsuccessful well in Hydrogeologic Areas 3, 4, and 5, the drill cuttings may be used as fill material.
 - (3) Material containing organic matter may not be used.
 - (4) The Approving Authority may require that fill material be disinfected.

.36 Well Sealing Procedures.

- A. Preliminary Work Before Sealing a Well.

- (1) The well shall be investigated to determine:
 - (a) Its present condition;
 - (b) The details of its construction; and
 - (c) Whether there are any obstructions that will interfere with the process of filling and sealing.
- (2) If there are any obstructions, they shall be removed, if possible, by cleaning the hole or re-drilling.
- (3) Liners shall be removed prior to sealing or an alternate sealing plan must be approved by the Approving Authority.

B. Filling and Sealing Wells.

- (1) In all hydrogeologic areas of the State, the annular space of cased wells shall be sealed.
- (2) Wells in an unconfined aquifer in Hydrogeologic Areas 1 and 2 shall be sealed by either of the following procedures:
 - (a) If the well casing is not removed, fill the well with sealing material; or
 - (b) If the well casing is removed, fill the entire length of the borehole with sealing material.
- (3) Wells in a confined aquifer in Hydrogeologic Area 2 shall be filled and sealed by either of the following procedures:
 - (a) If the casing has been removed, the well shall be filled the entire depth with sealing material; or
 - (b) If the casing has not been removed:
 - (i) Consideration shall be given to perforating or ripping the casing opposite the confining layers; and
 - (ii) The well shall be filled with sealing material.
- (4) Unconfined wells less than 2-inch diameter shall be sealed only with neat Portland cement.
- (5) Wells in Hydrogeologic Areas 3, 4, and 5 Filling and Sealing Procedures.
 - (a) Fill material shall extend from the bottom of the well to within 20' of the casing bottom, except for filling materials used in unsuccessful wells under Regulation .35C(2) of this chapter.
 - (b) If rapid loss of sealing material into the rock occurs during emplacement, coarse fill material may be used to fill voids.

C. Placement of Material. The following standards shall be met in placing filling or sealing materials:

- (1) The well shall be sealed with the appropriate material emplaced from the top of the fill material ;
- (2) When neat Portland cement, concrete, or bentonite slurry is used, it shall be placed in one continuous operation utilizing a pipe extended to the bottom of the interval to be sealed except as noted in § D;
- (3) Bentonite chips or pellets:
 - (a) Shall be used in such a way as to prevent bridging, but if bridging occurs, the well shall be drilled out;
 - (b) May not be used for casing diameters smaller than 2 inches; and
 - (c) Shall follow the specific product manufacturer's instructions for their use.

D. Special Procedures for Filling and Sealing Certain Wells.

- (1) A dug well shall be filled and sealed by the following procedure:
 - (a) Placing fill material in the well to a level approximately 5 feet below the land surface;
 - (b) Placing a 2-foot thick layer of concrete above the fill; and
 - (c) Filling the remainder of the well to the ground surface.
- (2) A monitoring well shall be sealed by the following procedure:
 - (a) For monitoring wells less than 50 feet in depth:
 - (i) Ripping or removing the casing; and
 - (ii) Filling the well with sealing material; or
 - (b) For monitoring wells greater than 50 feet in depth follow the procedures specified in §B of this regulation.
- (3) A geothermal well shall be sealed by:
 - (a) Removing all fluids from the tubing; and
 - (b) Filling the tubing and any open portion of the borehole with grout.

.37 Variances.

Upon the recommendation of the Approving Authority and the approval of the Department, variances to the distance requirements of the regulations of this chapter for all wells and the construction standards for replacement wells may be granted, provided that the public health and the environment are protected

.38 Enforcement and Appeal.

A. If the Approving Authority determines that there has been a violation of this chapter or of any permit or permit special condition, the Approving Authority shall:

- (1) Serve upon the alleged violator a written complaint specifying the nature and extent of the violation, items to be corrected, and time limits for correction; and
- (2) Notify the well owner of the violation.

B. If a person violating a requirement of this chapter cannot correct the violation, the Approving Authority may require abandonment and sealing of the well.

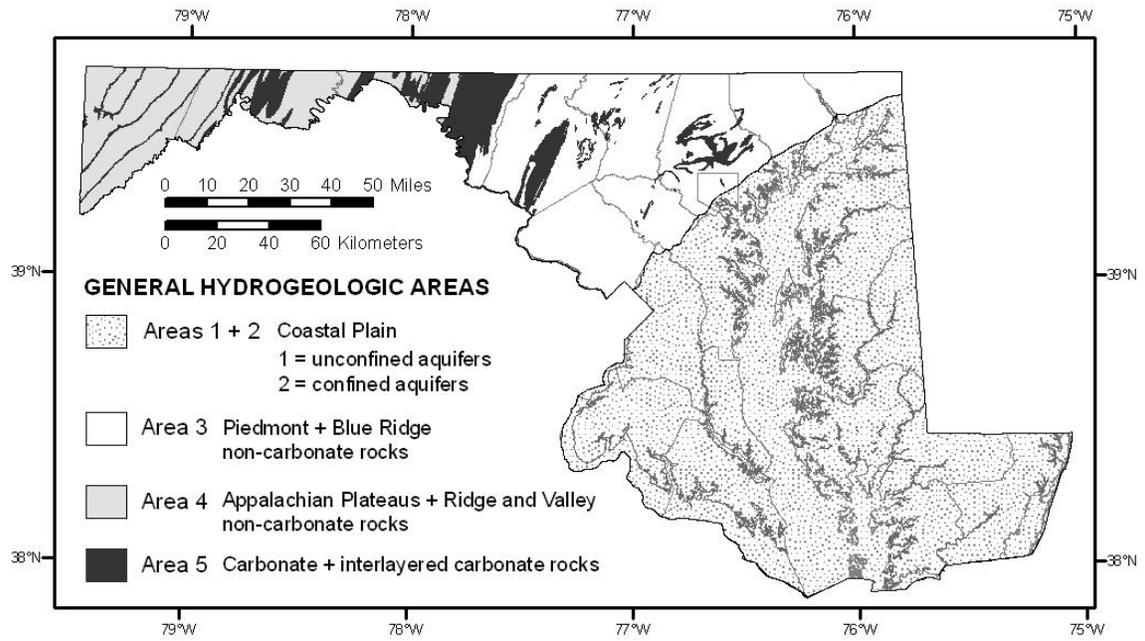
C. A person aggrieved by a final decision of the Approving Authority in a contested case has the right to have the decision reviewed in accordance with the provisions of the Administrative Procedure Act and other applicable statutes

and regulations. All appeals shall be filed with the Director, Water Management Administration, within 30 days after notification of the final decision by the Approving Authority.

D. A person who violates any provision of this chapter is guilty of a misdemeanor and upon conviction is subject to the provisions under Environment Article, §9-1311, Annotated Code of Maryland.

E. A person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this chapter is guilty of a misdemeanor and upon conviction is subject to the provisions under Environment Article, §9-1311, Annotated Code of Maryland.

39 Map of Maryland Showing Hydrogeologic Areas.



STATE OF MARYLAND
EXECUTIVE DEPARTMENT

OFFICE OF THE SECRETARY OF STATE
DIVISION OF STATE DOCUMENTS

MARTIN O'MALLEY
Governor

ANTHONY G. BROWN
Lt. Governor
JOHN P. MCDONOUGH
Secretary of State

Maryland Register
Code of Maryland Regulations
(COMAR)

Incorporation by Reference
APPROVAL FORM

Date: September 12, 2013
COMAR: 26.04.04.19

John A. Boris, Jr., LEHS
Geologist Program Consultant
Maryland Department of the Environment
1800 Washington Boulevard
Suite 445
Baltimore, MD 21230

Dear John:

The document entitled "OFR 12-02-20 Maryland Coastal Plain Aquifer Hydrogeologic Framework, Adreason, 2013" is approved for incorporation by reference.

Please note the following special instructions: None.

Attach a copy of this approval form when submitting an emergency or proposed regulation to the AELR Committee and when submitting a proposed regulation to DSD for publication in the Maryland Register. If submitting through ELF, include as part of the attachment.

Any future changes to the incorporated documents do not automatically become part of the regulation. If there are subsequent changes to the incorporated documents, and the agency wishes those changes to become a part of its regulations, the agency must amend the regulation incorporating the documents.

Please call us if you have any questions.

Sincerely,
Gail S. Klakring
Senior Editor

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Secretary of State

Maryland Register

Code of Maryland Regulations
(COMAR)

Incorporation by Reference
APPROVAL FORM

Date: September 12, 2013
COMAR: 26.04.04.15

John A. Boris, Jr., LEHS
Geologist Program Consultant
Maryland Department of the Environment
1800 Washington Boulevard
Suite 445
Baltimore, MD 21230

Dear John:

The document entitled "Maryland Geological Survey (MGS), Report of Investigation No. 40, The Columbia Aquifer of the Eastern Shore of Maryland Part 1 Hydrogeology, 1984" is approved for incorporation by reference.

Please note the following special instructions: None.

Attach a copy of this approval form when submitting an emergency or proposed regulation to the AELR Committee and when submitting a proposed regulation to DSD for publication in the Maryland Register. If submitting through ELF, include as part of the attachment.

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Please call us if you have any questions.

Sincerely,
Gail S. Klakring
Senior Editor