
By: **Delegate Morhaim**

Introduced and read first time: January 16, 2004

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Construction of Wells - Minimum Yield**

3 FOR the purpose of prohibiting the Department of the Environment from adopting
4 rules and regulations that authorize the approval of a domestic well with a yield
5 of less than a certain number of gallons per minute; providing for the application
6 of the Act; and generally relating to the minimum yield of domestic wells.

7 BY repealing and reenacting, with amendments,
8 Article - Environment
9 Section 9-1305
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 2003 Supplement)

12 **Preamble**

13 WHEREAS, An adequate and clean water supply is necessary for the livability
14 and sustainability of any home; and

15 WHEREAS, The State of Maryland, rather than the counties or municipalities
16 of the State, regulates the construction of new domestic wells; and

17 WHEREAS, The State of Maryland has a strong interest in water conservation
18 as evidenced by Executive Order 01.01.2003.08, issued by Governor Ehrlich,
19 establishing an Advisory Committee on the Management and Protection of the State's
20 Water Resources; and

21 WHEREAS, The State of Maryland has a strong interest in sound land use
22 planning and resource conservation as evidenced by Executive Order 01.01.2003.33,
23 issued by Governor Ehrlich, establishing a Maryland Priority Places Strategy; now,
24 therefore,

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

1

Article - Environment

2 9-1305.

3 (a) The Department shall adopt rules and regulations for the construction of
4 wells.

5 (b) The rules and regulations may recognize a variation:

6 (1) In the primary use or construction of wells; and

7 (2) Of the materials penetrated in different localities.

8 (c) THE RULES AND REGULATIONS MAY NOT AUTHORIZE THE APPROVAL OF A
9 DOMESTIC WELL WITH A YIELD OF LESS THAN 4 GALLONS PER MINUTE.

10 (D) Before the Department adopts any rule or regulation that relates to the
11 construction of wells, the Department shall submit the proposed rule or regulation to
12 the Board for comment.

13 [(d)] (E) Notwithstanding any provisions to the contrary, a county board of
14 health, delegated by the Department of the Environment to implement a well
15 inspection program, may collect a fee for the issuance of well permits required under
16 § 9-1306 of this subtitle. However, a county health department may not collect a fee
17 for test or irrigation wells.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
19 construed to apply only prospectively to wells constructed after the effective date of
20 this Act and may not be applied or interpreted to have any effect on or application to
21 wells constructed before the effective date of this Act.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
23 effect October 1, 2004.