
By: **Senators Conway, Dyson, and Pinsky**
Introduced and read first time: February 1, 2006
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
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CHAPTER _____

1 AN ACT concerning

2 **Environment - Groundwater Contamination - Notification and**
3 **Reimbursement of Costs**

4 FOR the purpose of clarifying certain procedures for notification of certain
5 groundwater contamination findings by the Department of the Environment;
6 altering certain procedures for notification of certain property owners of certain
7 groundwater contamination findings by the Department and the county;
8 altering certain reimbursement requirements for certain responsible persons;
9 requiring local health departments to provide certain information to the
10 Department; repealing a requirement that a certain notice be provided by
11 certified mail; providing for certain limitations regarding notification; and
12 generally relating to groundwater contamination.

13 BY repealing and reenacting, with amendments,
14 Article - Environment
15 Section 4-411.2
16 Annotated Code of Maryland
17 (1996 Replacement Volume and 2005 Supplement)

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

20 **Article - Environment**

21 4-411.2.

22 (a) Within 14 days of the finding, the Department shall notify the appropriate
23 COUNTY [local health department] of a finding that a groundwater monitoring well

1 sample taken from a high-risk groundwater use area, as defined by the Department,
2 contains:

3 (1) Methyl tertiary butyl ether at or in excess of 20 parts per billion;

4 (2) Benzene at or in excess of 5 parts per billion; or

5 (3) A combination of benzene, toluene, ethyl benzene, and xylene at or in
6 excess of 100 parts per billion.

7 (b) (1) [The local health department] ~~UNLESS THE COUNTY AND THE~~
8 ~~DEPARTMENT AGREE OTHERWISE EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~
9 SUBSECTION, THE DEPARTMENT shall notify each owner of property within one-half
10 mile of the site from which the sample was taken.

11 (2) IF THE COUNTY AND DEPARTMENT AGREE, THE COUNTY SHALL
12 GIVE THE NOTICE REQUIRED UNDER THIS SECTION.

13 (3) ON REQUEST BY THE DEPARTMENT, THE LOCAL HEALTH
14 DEPARTMENT SHALL PROVIDE, WITHIN 10 DAYS OF RECEIVING THE REQUEST, THE
15 NAMES AND ADDRESSES OF THE PROPERTY OWNERS TO BE NOTIFIED.

16 ~~(2)~~ (4) The notification shall:

17 (i) Be mailed within 14 days of the receipt of a notice from the
18 Department under subsection (a) of this section; AND

19 (ii) ~~Be mailed via certified mail; and~~

20 ~~(iii)~~ Provide the property owner with information regarding the
21 amount of contamination at the site.

22 (5) THE DEPARTMENT OR COUNTY MAY LIMIT THE NOTIFICATION
23 REQUIRED UNDER THIS SUBSECTION, BASED ON AVAILABLE GROUNDWATER FLOW
24 DATA, TO THOSE PROPERTY OWNERS THAT ARE HYDROGEOLOGICALLY
25 DOWNGRAIENT OF THE WELL FROM WHICH THE SAMPLE WAS TAKEN.

26 (c) The person responsible for the release that resulted in the groundwater
27 contamination shall reimburse EITHER the [local health department] THE
28 DEPARTMENT OR THE COUNTY for the costs associated with providing the notice
29 required under subsection (b) of this section.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2006.

