

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

House Bill 559

(Delegates Glassman and Lawton)

Environmental Matters

Education, Health, and Environmental Affairs

Environment - Monitoring for Drinking Water Contaminants - Public Schools

The bill authorizes the Maryland Department of the Environment (MDE) to require monitoring of the water quality in public schools that have public water systems for drinking water contaminants not currently regulated by the State.

Fiscal Summary

State Effect: None. The bill authorizes but does not require more frequent monitoring by MDE of 150 public schools that have public water systems. To the extent MDE exercises the authority granted in the bill, MDE could implement the bill with existing resources.

Local Effect: Expenditures by local school systems with well-based public water systems could increase by a maximum of \$90,000, or \$600 for each of the 150 schools in the State with their own public water systems.

Small Business Effect: None.

Analysis

Bill Summary: MDE may require public schools classified with public water systems to sample and monitor their water supplies for contaminants not currently regulated by the State if MDE issues a drinking water health advisory. The frequency of monitoring and testing are determined by source water assessments and potential sources of contamination. If tests reveal that contaminant levels exceed a federal or departmental health advisory, the water supplier must notify MDE and those served by the system.

Current Law: State regulations governing drinking water may not be more stringent than complete interim or revised federal regulations in effect at the time. In accordance with federal regulations that implement the Safe Drinking Water Act, State regulations require quarterly testing for new well water systems, followed by annual testing. After three consecutive years without detection of any contaminant, testing is required only every five or six years.

Background: MDE is responsible for primary enforcement of the federal Safe Drinking Water Act. Among other things, MDE ensures that public water systems meet strict safe drinking water standards. Although MDE regulates public water systems owned and operated by local governments, the local governments are responsible for conducting and paying for water quality testing. However, they must use State certified labs to assess their water samples. Results are then reviewed by MDE for compliance with federal and State water quality standards.

In accordance with the federal Safe Drinking Water Act, the State regulates the maximum contaminant levels of approximately 100 contaminants, including specified inorganic chemicals, volatile organic compounds (VOCs), synthetic organic compounds, radioactive materials, and microbiological contaminants. It also regulates the level of lead, copper, and turbidity in drinking water. MDE did not provide a list of contaminants it does not regulate in time for this fiscal and policy note. However, in a previous response, it noted that there are 34 VOCs it does not regulate.

MDE reports that there are 150 public schools classified as public water systems regulated by MDE. However, the Maryland State Department of Education reports that a 2004 survey found that 16 local school systems have at least one school classified as a public water system, *i.e.*, on its own well water.

State Fiscal Effect: MDE estimates that the more frequent water quality testing authorized by the bill could result in, at most, 165 additional water quality inspections by school systems each year. It estimates that it would need to add a new regular public health engineer in fiscal 2008 to monitor school system compliance and review the results from those tests. It also estimates an increase of \$64,000 in fiscal 2008 for additional lab sampling analysis. However, MDE already conducts annual inspections of public water systems, including the 150 public school sites. Also, MDE reviewed more than 41,000 water quality reports in calendar 2005. The addition of, at most, 165 additional reports would not seem to be sufficient to strain agency resources. Therefore, the Department of Legislative Services (DLS) believes that MDE could exercise the authority granted in the bill with existing resources.

Local Expenditures: The frequency of mandated water quality testing varies according to the age and history of a public water supply. The bill could result in more frequent testing of the water quality in the 150 affected water systems. Over a five-year period, DLS estimates that a public school that is classified with a public water system would have to conduct an average of three more water quality tests than it would under current regulations. MDE estimates the cost of a test to be between \$150 and \$200. Given that 150 schools have their own public water systems, total spending by 16 local school systems could increase by an estimated \$90,000, or \$600 per school.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of the Environment, Maryland State Department of Education, U.S. Environmental Protection Agency, Department of Legislative Services

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