

HOUSE BILL 497

M3

8lr0805

By: **Delegates Kach, Impallaria, Jennings, and McDonough**

Introduced and read first time: January 30, 2008

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Oil Discharge – Groundwater Contamination – Reimbursement for Costs**

3 FOR the purpose of requiring a person responsible for a certain release resulting in
4 groundwater contamination to reimburse certain property owners for certain
5 costs incurred for conducting certain tests under certain circumstances; and
6 generally relating to groundwater contamination.

7 BY repealing and reenacting, with amendments,
8 Article – Environment
9 Section 4–411.2
10 Annotated Code of Maryland
11 (2007 Replacement Volume and 2007 Supplement)

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

14 **Article – Environment**

15 4–411.2.

16 (a) Within 14 days of the finding, the Department shall notify the
17 appropriate local health department of a finding that a groundwater monitoring well
18 sample taken from a high–risk groundwater use area, as defined by the Department,
19 contains:

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

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) Except as provided in paragraph (2) of this subsection, the
2 Department shall notify each owner of property within one-half mile of the site from
3 which the sample was taken.

4 (2) If the Department and the local health department agree, the local
5 health department shall give the notice required under this section.

6 (3) The notification shall:

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

9 (ii) Be mailed via certified mail; and

10 (iii) Provide the property owner with information regarding the
11 amount of contamination at the site.

12 (c) The person responsible for the release that resulted in the groundwater
13 contamination shall reimburse:

14 (1) [the] **THE** Department or the local health department for the costs
15 associated with providing the notice required under subsection (b) of this section; **AND**

16 (2) **EACH OWNER OF PROPERTY, IF THE OWNER RECEIVED**
17 **NOTICE IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION, FOR THE**
18 **OWNER'S COSTS INCURRED, UP TO \$250, FOR TESTING FOR GROUNDWATER**
19 **CONTAMINATION.**

20 (D) **FOR THE PURPOSES OF SUBSECTION (C)(2) OF THIS SECTION,**
21 **REIMBURSEMENT IS LIMITED TO THE COSTS INCURRED FOR CONDUCTING ONE**
22 **TEST FOR EACH NOTICE RECEIVED IN ACCORDANCE WITH SUBSECTION (B) OF**
23 **THIS SECTION.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2008.