

HOUSE BILL 497

M3

8lr0805

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

Introduced and read first time: January 30, 2008

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2008

CHAPTER _____

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;
6 authorizing a certain property owner to bring a certain action in District Court
7 for reimbursement of certain costs under certain circumstances; and generally
8 relating to groundwater contamination.

9 BY repealing and reenacting, with amendments,
10 Article – Environment
11 Section 4–411.2
12 Annotated Code of Maryland
13 (2007 Replacement Volume and 2007 Supplement)

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

16 **Article – Environment**

17 4–411.2.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- 1 (1) Methyl tertiary butyl ether at or in excess of 20 parts per billion;
- 2 (2) Benzene at or in excess of 5 parts per billion; or
- 3 (3) A combination of benzene, toluene, ethyl benzene, and xylene at or
4 in excess of 100 parts per billion.

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

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

10 (3) The notification shall:

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

13 (ii) Be mailed via certified mail; and

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

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

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

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

24 (D) **FOR THE PURPOSES OF SUBSECTION (C)(2) OF THIS SECTION,**
25 **REIMBURSEMENT IS LIMITED TO THE COSTS INCURRED FOR CONDUCTING ONE**
26 **TEST FOR EACH NOTICE RECEIVED IN ACCORDANCE WITH SUBSECTION (B) OF**
27 **THIS SECTION.**

28 (E) **IF THE PERSON RESPONSIBLE FOR THE RELEASE THAT RESULTED**
29 **IN THE GROUNDWATER CONTAMINATION FAILS TO REIMBURSE THE PROPERTY**
30 **OWNER IN ACCORDANCE WITH SUBSECTION (C)(2) OF THIS SECTION, THE**
31 **PROPERTY OWNER MAY BRING AN ACTION IN DISTRICT COURT FOR THE**
32 **REIMBURSEMENT OF THE OWNER'S COSTS.**

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.