

SENATE BILL 994

M3, L3

2lr3062

By: **Senator Brinkley**

Introduced and read first time: February 16, 2012

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 27, 2012

Committee Report: Favorable

Senate action: Adopted

Read second time: March 16, 2012

CHAPTER _____

1 AN ACT concerning

2 **Environment – Temporary Dewatering Devices and Well Drilling –**
3 **Notification to Municipalities**

4 FOR the purpose of requiring a person that installs a temporary dewatering device to
5 notify a municipality under certain circumstances; requiring a well driller,
6 when applying for a permit to drill a well, to notify a municipality under certain
7 circumstances; and generally relating to drilling wells and providing notification
8 to municipalities.

9 BY repealing and reenacting, with amendments,
10 Article – Environment
11 Section 9–1306 and 9–1307
12 Annotated Code of Maryland
13 (2007 Replacement Volume and 2011 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 9–1306.

18 (a) Except as indicated in subsection (b) of this section, a person may not
19 drill a well in this State unless the Department issues a permit to drill the well.

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 (b) A person who has not been issued a permit by the Department may, after
2 having notified the county board of health[,] **AND A MUNICIPALITY IF THE**
3 **TEMPORARY DEWATERING DEVICE WILL BE LOCATED INSIDE THE**
4 **MUNICIPALITY'S CORPORATE BOUNDARY LINE OR IF THE TEMPORARY**
5 **DEWATERING DEVICE WILL BE LOCATED 1 MILE OR LESS OUTSIDE THE**
6 **MUNICIPALITY'S CORPORATE BOUNDARY LINE**, install a temporary dewatering
7 device to facilitate the installation of underground utilities if the device:

8 (1) Is installed 30 feet or less below the ground surface;

9 (2) Is not located in any trench used for the installation of
10 underground utilities;

11 (3) Contains no mechanical pumping equipment below the surface;
12 and

13 (4) Is removed no more than 30 days after installation.

14 (c) A person installing a temporary dewatering device under subsection (b) of
15 this section shall restore the subsurface conditions of the installation area as nearly as
16 possible to the conditions that existed before the installation.

17 9-1307.

18 (a) In applying for a permit to drill a well, the well driller shall **[give]:**

19 (1) **GIVE** the Department any information the Department requires;
20 **AND**

21 (2) **NOTIFY A MUNICIPALITY IF THE WELL WILL BE DRILLED**
22 **INSIDE THE MUNICIPALITY'S CORPORATE BOUNDARY LINE OR IF THE WELL**
23 **WILL BE DRILLED 1 MILE OR LESS OUTSIDE THE MUNICIPALITY'S CORPORATE**
24 **BOUNDARY LINE.**

25 (b) As a condition to issuing a permit to drill a well, the Department may
26 require that samples of the materials encountered in drilling the well be preserved
27 and submitted to the Department.

28 (c) (1) (i) A county board of health may establish a permit fee to
29 defray county expenses in inspecting wells, collecting water samples, and issuing
30 certificates of potability.

31 (ii) For an interim certificate of potability, a county board of
32 health shall accept initial test results prepared by a private State certified laboratory.

1 (2) (i) The fee may be charged before a permit required under §
2 9–1306 of this subtitle is issued.

3 (ii) Except as provided in subparagraph (iii) of this paragraph,
4 the fee may not exceed \$160 per well or \$160 per cluster of wells to be used exclusively
5 to transfer heat to or from the ground or groundwater.

6 (iii) In Anne Arundel County only:

7 1. Subject to item 2 of this subparagraph, the fee
8 charged shall be set so as to produce funds to reflect the actual cost of inspecting wells,
9 collecting water samples, and issuing certificates of potability by the Anne Arundel
10 County Board of Health; and

11 2. For a well drilled to replace an existing well the fee
12 charged shall be no more than 50% of the fee as calculated under item 1 of this
13 subparagraph.

14 (3) A permit shall be issued within a reasonable period of time after
15 receipt of the application and shall be valid for a period of 12 months from the date of
16 issuance by the approved delegated permitting authority.

17 (d) A county board of health may waive a fee for a well that is drilled to
18 replace a well not in conformity with the regulations adopted under § 9–1305 of this
19 subtitle.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2012.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.