

Chapter 333

(Senate Bill 994)

AN ACT concerning

Environment – Temporary Dewatering Devices and Well Drilling – Notification to Municipalities

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

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1306 and 9–1307
Annotated Code of Maryland
(2007 Replacement Volume and 2011 Supplement)

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

Article – Environment

9–1306.

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

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

- (1) Is installed 30 feet or less below the ground surface;
- (2) Is not located in any trench used for the installation of underground utilities;

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

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

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

9–1307.

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

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

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

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

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

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

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

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

(iii) In Anne Arundel County only:

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

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

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

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

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

Approved by the Governor, May 2, 2012.