

# HOUSE BILL 250

M3, N1

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By: **Delegate Stewart**

Introduced and read first time: January 13, 2022

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Private Well Safety Act of 2022**

3 FOR the purpose of establishing the Private Well Safety Program in the Department of the  
4 Environment to address and manage the contamination of private and domestic  
5 water supply wells in the State; establishing the Private Well Safety Fund to award  
6 grants to certain counties and households for costs associated with water quality  
7 testing and remediation; requiring the Department to utilize a certain online portal  
8 to receive and upload certain information and to provide public access to the  
9 information; requiring a State-certified laboratory that conducts water quality  
10 testing of certain wells to submit to the Department certain results of water quality  
11 testing in a certain manner; requiring a contract for the sale of real property on  
12 which a certain well is located to include a provision requiring, as a condition of the  
13 sale, that certain water quality testing be conducted; and generally relating to  
14 private and domestic water supply wells in the State.

15 BY adding to

16 Article – Environment

17 Section 9–4A–01 to be under the new part “Part I. Definitions”; 9–4A–04 through  
18 9–4A–10 to be under the new part “Part II. Program and Fund”; and 9–4A–13  
19 to be under the new part “Part III. Private Well Water Quality Database”

20 Annotated Code of Maryland

21 (2014 Replacement Volume and 2021 Supplement)

22 BY repealing and reenacting, with amendments,

23 Article – Environment

24 Section 9–4A–01 to be under the new part “Part IV. Residential Rental Property”

25 Annotated Code of Maryland

26 (2014 Replacement Volume and 2021 Supplement)

27 BY adding to

28 Article – Real Property

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 10–713  
2 Annotated Code of Maryland  
3 (2015 Replacement Volume and 2021 Supplement)

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

6 **Article – Environment**

7 **PART I. DEFINITIONS.**

8 **9–4A–01.**

9 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
10 INDICATED.

11 (B) “CONTAMINATION” MEANS THAT WATER QUALITY TESTING FOR A  
12 COVERED HOUSEHOLD DEMONSTRATED THAT:

13 (1) A SUBSTANCE IS PRESENT THAT EXCEEDS THE LEGAL  
14 THRESHOLD LIMIT ON THE AMOUNT OF THE SUBSTANCE THAT IS ALLOWED IN A  
15 PUBLIC WATER SYSTEM UNDER THE FEDERAL SAFE DRINKING WATER ACT; OR

16 (2) THERE IS A HARMFUL LEVEL OF ANOTHER CONTAMINANT, AS  
17 DETERMINED BY THE DEPARTMENT.

18 (C) “COVERED HOUSEHOLD” MEANS ONE OR MORE INDIVIDUALS WHO  
19 RESIDE AT A PROPERTY THAT IS SERVED BY A PRIVATE WELL.

20 (D) “ELIGIBLE COUNTY” MEANS A COUNTY THAT:

21 (1) IS AWARDED A GRANT UNDER THE FUND FOR DISTRIBUTION TO  
22 COVERED HOUSEHOLDS TO ASSIST WITH THE COSTS OF WATER QUALITY TESTING  
23 AND REMEDIATION; AND

24 (2) MEETS THE ELIGIBILITY REQUIREMENTS ESTABLISHED UNDER §  
25 9–4A–08 OF THIS SUBTITLE.

26 (E) “FUND” MEANS THE PRIVATE WELL SAFETY FUND.

27 (F) “HOTSPOT” MEANS A ZIP CODE WHERE AT LEAST 50% OF THE WATER  
28 QUALITY TESTING COMPLETED WITHIN THE PAST 2 YEARS DETECTED A SUBSTANCE  
29 THAT EXCEEDS THE MAXIMUM CONTAMINANT LEVEL FOR THAT SUBSTANCE.

1 (G) "INELIGIBLE COUNTY" MEANS A COUNTY THAT HAS NOT BEEN AWARDED  
2 A GRANT UNDER THE FUND.

3 (H) "MAXIMUM CONTAMINANT LEVEL" MEANS A STANDARD THAT IS:

4 (1) SET BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY OR THE  
5 DEPARTMENT FOR DRINKING WATER QUALITY; AND

6 (2) THE LEGAL THRESHOLD LIMIT ON THE AMOUNT OF A SUBSTANCE  
7 THAT IS ALLOWED IN A PUBLIC WATER SYSTEM UNDER THE FEDERAL SAFE  
8 DRINKING WATER ACT.

9 (I) "PRIVATE WELL" MEANS A PRIVATE OR DOMESTIC WATER SUPPLY  
10 WELL.

11 (J) "PROGRAM" MEANS THE PRIVATE WELL SAFETY PROGRAM.

12 (K) "REMEDIATION" INCLUDES:

13 (1) THE DRILLING OF A NEW WELL;

14 (2) CONNECTION TO A PUBLIC WATER SUPPLY; AND

15 (3) PROVIDING ONGOING TREATMENT TO RESOLVE CONTAMINATION.

16 (L) (1) "WATER QUALITY TESTING" MEANS WATER QUALITY SAMPLING,  
17 TESTING, AND ANALYSIS:

18 (I) CONDUCTED BY A STATE-APPROVED LABORATORY FOR A  
19 PRIVATE WELL; AND

20 (II) OF WHICH THE SAMPLING IS LIMITED TO THE SAME  
21 CRITERIA USED WHEN CERTIFYING A WELL FOR A NONPUBLIC POTABLE WATER  
22 SUPPLY SYSTEM UNDER COMAR 26.04.04.30.

23 (2) "WATER QUALITY TESTING" INCLUDES WATER QUALITY  
24 SAMPLING OF ANY CONTAMINANT OF CONCERN, AS DETERMINED BY THE  
25 DEPARTMENT.

26 9-4A-02. RESERVED.

27 9-4A-03. RESERVED.

## PART II. PROGRAM AND FUND.

**9-4A-04.**

(A) THERE IS A PRIVATE WELL SAFETY PROGRAM IN THE DEPARTMENT.

(B) THE PURPOSE OF THE PROGRAM IS TO ADDRESS AND MANAGE THE CONTAMINATION OF PRIVATE WELLS IN THE STATE.

(C) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

**9-4A-05.**

(A) THERE IS A PRIVATE WELL SAFETY FUND.

(B) THE PURPOSE OF THE FUND IS TO AWARD GRANTS TO ELIGIBLE COUNTIES AND COVERED HOUSEHOLDS IN INELIGIBLE COUNTIES FOR COSTS ASSOCIATED WITH WATER QUALITY TESTING AND REMEDIATION.

(C) THE SECRETARY SHALL ADMINISTER THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(E) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;  
AND

(2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(F) THE FUND MAY BE USED ONLY FOR AWARDED GRANTS TO:

(1) ELIGIBLE COUNTIES FOR DISTRIBUTION TO COVERED HOUSEHOLDS TO ASSIST WITH THE COSTS ASSOCIATED WITH WATER QUALITY TESTING AND REMEDIATION; AND

(2) COVERED HOUSEHOLDS LOCATED IN AN INELIGIBLE COUNTY TO

1 ASSIST WITH THE COSTS ASSOCIATED WITH WATER QUALITY TESTING AND  
2 REMEDIATION.

3 **9-4A-06.**

4 (A) THE DEPARTMENT SHALL ESTABLISH A GRANT APPLICATION PROCESS  
5 FOR AWARDING A GRANT UNDER THE FUND IN ACCORDANCE WITH THIS SUBTITLE.

6 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE  
7 DEPARTMENT MAY ESTABLISH A GRANT APPLICATION FEE.

8 (2) (I) THE APPLICATION FEE FOR AN AWARD FOR WATER QUALITY  
9 TESTING MAY NOT EXCEED \$10; AND

10 (II) THE APPLICATION FEE FOR AN AWARD FOR REMEDIATION  
11 MAY NOT EXCEED \$250.

12 (3) THE DEPARTMENT MAY WAIVE THE APPLICATION FEE ON A  
13 CASE-BY-CASE BASIS, BASED ON HOUSEHOLD INCOME.

14 (C) IN AN APPLICATION FOR A GRANT AWARD UNDER THE FUND, A  
15 COVERED HOUSEHOLD SHALL SUBMIT A COPY OF ITS MOST RECENT STATE INCOME  
16 TAX RETURN OR AN AFFIDAVIT OF:

17 (1) A FILING OF A HOUSEHOLD INCOME EXEMPTION;

18 (2) A HOUSEHOLD INCOME REDUCTION; OR

19 (3) THE PROJECTED HOUSEHOLD INCOME FOR THE CURRENT YEAR.

20 **9-4A-07.**

21 THE DEPARTMENT SHALL:

22 (1) PROVIDE NOTICE TO EACH COUNTY OF:

23 (I) THE FUND; AND

24 (II) THE GRANT APPLICATION PROCESS ESTABLISHED UNDER §  
25 9-4A-06 OF THIS SUBTITLE;

26 (2) FOR THE PURPOSE OF INFORMING COVERED HOUSEHOLDS IN  
27 INELIGIBLE COUNTIES, PUBLISH ON ITS WEBSITE INFORMATION ON:

1 (I) THE FUND; AND

2 (II) THE GRANT APPLICATION PROCESS; AND

3 (3) FOR THE PURPOSE OF INFORMING PRIVATE WELL OWNERS,  
4 PUBLISH ON ITS WEBSITE INFORMATION ON WATER QUALITY TESTING, INCLUDING:

5 (I) RESOURCES FOR WATER QUALITY TESTING AND  
6 REMEDIATION;

7 (II) CONTACT INFORMATION FOR LICENSED WELL DRILLERS,  
8 PUMP INSTALLERS, AND STATE-CERTIFIED WATER QUALITY TESTING  
9 LABORATORIES;

10 (III) INFORMATION ON POTENTIAL CONTAMINANTS OF  
11 CONCERN IN THE STATE, BY REGION OR GROUNDWATER AQUIFER; AND

12 (IV) INFORMATION ON THE IMPORTANCE OF ANNUAL TESTING.

13 **9-4A-08.**

14 A COUNTY IS ELIGIBLE TO RECEIVE A GRANT AWARD IN ACCORDANCE WITH  
15 THIS SUBTITLE IF THE COUNTY AGREES TO ENGAGE IN OUTREACH ACTIVITIES:

16 (1) TO EDUCATE COUNTY RESIDENTS ON THE EXISTENCE AND  
17 PURPOSE OF THE FUND AND ON THE IMPORTANCE OF ANNUALLY TESTING WELL  
18 WATER FOR CONTAMINANTS; AND

19 (2) THAT, AT A MINIMUM, INCLUDE:

20 (I) PUBLISHING INFORMATION ON THE COUNTY'S WEBSITE;

21 (II) PROVIDING INFORMATION TO RESIDENTS OVER THE  
22 TELEPHONE WHEN A RESIDENT CALLS THE COUNTY ABOUT WATER QUALITY  
23 TESTING OR REMEDIATION OR THE PROGRAM; AND

24 (III) SUBMITTING THE ANNUAL REPORT TO THE DEPARTMENT  
25 IN ACCORDANCE WITH § 9-4A-10 OF THIS SUBTITLE.

26 **9-4A-09.**

27 (A) IN ACCORDANCE WITH THIS SUBTITLE, THE DEPARTMENT MAY AWARD

1 A GRANT UNDER THE FUND TO:

2 (1) AN ELIGIBLE COUNTY FOR DISTRIBUTION TO COVERED  
3 HOUSEHOLDS TO ASSIST WITH THE COSTS ASSOCIATED WITH WATER QUALITY  
4 TESTING AND REMEDIATION; AND

5 (2) A COVERED HOUSEHOLD LOCATED IN AN INELIGIBLE COUNTY TO  
6 ASSIST WITH THE COSTS ASSOCIATED WITH WATER QUALITY TESTING AND  
7 REMEDIATION.

8 (B) IN AWARDING A GRANT TO AN ELIGIBLE COUNTY UNDER THIS SUBTITLE,  
9 THE DEPARTMENT MAY CONSIDER:

10 (1) THE ESTIMATED PROPORTION OF COVERED HOUSEHOLDS IN THE  
11 ELIGIBLE COUNTY;

12 (2) THE COUNTY'S SPECIFIC NEEDS RELATED TO THE COSTS OF  
13 ADMINISTERING AND IMPLEMENTING GRANTS UNDER THE FUND;

14 (3) THE COUNTY'S NEED TO ADDRESS PUBLIC HEALTH CONCERNS OR  
15 SPECIFIC CONTAMINATION CONCERNS; AND

16 (4) ANY OTHER RELEVANT FACTOR, AS DETERMINED BY THE  
17 DEPARTMENT.

18 (C) (1) THE DEPARTMENT OR AN ELIGIBLE COUNTY SHALL:

19 (I) BASE THE DOLLAR AMOUNT OF A GRANT AWARD FOR WATER  
20 QUALITY TESTING ON SAMPLING PARAMETERS AND COSTS; AND

21 (II) BASE THE DOLLAR AMOUNT OF A GRANT AWARD FOR  
22 REMEDIATION ON AN INCOME GUIDELINE SCALE ESTABLISHED BY THE  
23 DEPARTMENT.

24 (2) THE DEPARTMENT OR AN ELIGIBLE COUNTY MAY AWARD A GRANT  
25 FOR UP TO 100% OF THE COSTS ASSOCIATED WITH WATER QUALITY TESTING AND  
26 REMEDIATION TO A COVERED HOUSEHOLD THAT CAN DEMONSTRATE HOUSEHOLD  
27 INCOME BELOW 50% OF THE STATE'S MEDIAN INCOME LEVEL.

28 (D) (1) THIS SUBSECTION APPLIES TO A GRANT AWARD FOR THE COSTS  
29 ASSOCIATED WITH REMEDIATION.

30 (2) UNLESS A COVERED HOUSEHOLD PROVIDES DOCUMENTATION TO

1 THE DEPARTMENT THAT PAYMENT HAS BEEN MADE TO A LICENSED WELL DRILLER  
2 OR PUMP INSTALLER, THE DEPARTMENT OR AN ELIGIBLE COUNTY SHALL MAKE  
3 PAYMENT DIRECTLY TO THE LICENSED WELL DRILLER OR PUMP INSTALLER THAT  
4 HAS BEEN CONTRACTED TO PERFORM THE REMEDIATION PROJECT.

5 (E) THE DEPARTMENT OR AN ELIGIBLE COUNTY MAY NOT AWARD A GRANT  
6 UNDER THE FUND FOR COSTS ASSOCIATED WITH:

7 (1) ANY WORK OR TESTING CONDUCTED BEFORE THE GRANT AWARD  
8 WAS APPROVED BY THE DEPARTMENT OR ELIGIBLE COUNTY;

9 (2) WELLS SERVING COMMERCIAL ESTABLISHMENTS;

10 (3) PRIVATE WELLS THAT DO NOT MEET THE ESTABLISHED  
11 CONTAMINATION CRITERIA;

12 (4) DUG WELLS; AND

13 (5) POINT-DRIVEN WELLS.

14 (F) A COVERED HOUSEHOLD MAY NOT RECEIVE A GRANT AWARD UNDER  
15 THIS SECTION MORE THAN TWICE A YEAR, INCLUDING ONE GRANT AWARD FOR  
16 WATER QUALITY TESTING AND ONE GRANT AWARD FOR REMEDIATION.

17 (G) THE DEPARTMENT SHALL DEVELOP A LIST OF ADDITIONAL STANDARDS  
18 FOR WATER QUALITY TESTING THAT THE DEPARTMENT DEEMS NECESSARY FOR  
19 EACH COUNTY OR ANY SPECIFIC AREA WITHIN A COUNTY, INCLUDING REQUIRING,  
20 AS APPROPRIATE, TESTING FOR:

21 (1) MANGANESE;

22 (2) ARSENIC;

23 (3) RADON;

24 (4) MERCURY; AND

25 (5) ALL VOLATILE ORGANIC COMPOUNDS FOR WHICH THERE IS A  
26 MAXIMUM CONTAMINANT LEVEL.

27 9-4A-10.

28 (A) ON OR BEFORE SEPTEMBER 1 EACH YEAR, A COUNTY THAT RECEIVED A



1 GRANT AWARD IN ACCORDANCE WITH THIS SUBTITLE SHALL SUBMIT TO THE  
2 DEPARTMENT A REPORT THAT INCLUDES, FOR THE IMMEDIATELY PRECEDING  
3 FISCAL YEAR:

4 (1) THE LOCATIONS OF COVERED HOUSEHOLDS THAT RECEIVED A  
5 GRANT AWARD;

6 (2) THE DOLLAR AMOUNT AWARDED TO EACH HOUSEHOLD,  
7 CATEGORIZED BY FUNDING FOR WATER QUALITY TESTING AND REMEDIATION;

8 (3) THE TOTAL NUMBER OF WATER QUALITY TESTS CONDUCTED  
9 UNDER THE PROGRAM AND THE PROPORTION THAT DETECTED A SUBSTANCE THAT  
10 EXCEEDS THE MAXIMUM CONTAMINANT LEVEL FOR THAT SUBSTANCE,  
11 CATEGORIZED BY ZIP CODE OR OTHER IDENTIFYING FACTORS;

12 (4) THE NUMBER OF WATER QUALITY TESTS CONDUCTED WITHIN THE  
13 PREVIOUS 12-MONTH PERIOD AND THE PROPORTION THAT DETECTED A  
14 SUBSTANCE THAT EXCEEDS THE MAXIMUM CONTAMINANT LEVEL FOR THAT  
15 SUBSTANCE, CATEGORIZED BY ZIP CODE;

16 (5) THE LOCATION OF AREAS OF POTENTIAL CONCERN, INCLUDING  
17 THE LOCATION OF HOTSPOTS;

18 (6) THE MOST COMMONLY DETECTED CONTAMINANTS OF CONCERN,  
19 CATEGORIZED BY ZIP CODE; AND

20 (7) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT.

21 (B) ON OR BEFORE JANUARY 1 EACH YEAR, THE DEPARTMENT SHALL  
22 REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE  
23 STATE GOVERNMENT ARTICLE, ON:

24 (1) THE TOTAL NUMBER OF WATER QUALITY TESTS CONDUCTED  
25 UNDER THE PROGRAM AND THE PROPORTION THAT DETECTED A SUBSTANCE THAT  
26 EXCEEDS THE MAXIMUM CONTAMINANT LEVEL FOR THAT SUBSTANCE,  
27 CATEGORIZED BY COUNTY AND ZIP CODE;

28 (2) THE NUMBER OF WATER QUALITY TESTS CONDUCTED WITHIN THE  
29 PREVIOUS 12-MONTH PERIOD AND THE PROPORTION THAT DETECTED A  
30 SUBSTANCE THAT EXCEEDS THE MAXIMUM CONTAMINANT LEVEL FOR THAT  
31 SUBSTANCE, CATEGORIZED BY COUNTY AND ZIP CODE;

32 (3) THE LOCATION OF POTENTIAL HOTSPOTS OR OTHER AREAS OF

1 **KNOWN CONTAMINATION;**

2 **(4) A DESCRIPTION OF THE BENEFITS REALIZED AND DEFICIENCIES**  
3 **ADDRESSED AS A RESULT OF THE PROGRAM AND RECOMMENDATIONS FOR ANY**  
4 **APPROPRIATE LEGISLATIVE ACTION; AND**

5 **(5) THE MOST COMMONLY DETECTED CONTAMINANTS OF CONCERN,**  
6 **CATEGORIZED BY ZIP CODE.**

7 **9-4A-11. RESERVED.**

8 **9-4A-12. RESERVED.**

9 **PART III. PRIVATE WELL WATER QUALITY DATABASE.**

10 **9-4A-13.**

11 **(A) THE DEPARTMENT SHALL UTILIZE AN EXISTING ONLINE PORTAL:**

12 **(1) TO RECEIVE THE RESULTS OF WATER QUALITY TESTING FROM**  
13 **STATE-CERTIFIED LABORATORIES AND THE MARYLAND GEOLOGICAL SURVEY;**

14 **(2) TO UPLOAD CERTIFICATES OF POTABILITY, RESULTS OF WATER**  
15 **QUALITY TESTING, AND OTHER RELEVANT INFORMATION SUBMITTED TO THE**  
16 **DEPARTMENT RELATED TO PRIVATE WELLS, ON AT LEAST A QUARTERLY BASIS; AND**

17 **(3) TO PROVIDE PUBLIC ACCESS TO THE INFORMATION RECEIVED**  
18 **UNDER ITEMS (1) AND (2) OF THIS SUBSECTION IN A MANNER THAT IS EASY TO USE**  
19 **AND CATEGORIZED BY COUNTY.**

20 **(B) ON AN ONGOING BASIS, A COUNTY MAY SUBMIT TO THE DEPARTMENT**  
21 **RECORDS OF CERTIFICATES OF POTABILITY AND ANY RESULTS OF WATER QUALITY**  
22 **TESTING RECEIVED VOLUNTARILY FROM RESIDENTS.**

23 **(C) ON A QUARTERLY BASIS, A STATE-CERTIFIED LABORATORY THAT**  
24 **CONDUCTS WATER QUALITY TESTING OF PRIVATE WELLS FOR THE PURPOSE OF**  
25 **IMPLEMENTING THIS SUBTITLE SHALL SUBMIT TO THE DEPARTMENT THE RESULTS**  
26 **OF EACH WATER QUALITY TEST CONDUCTED BY THE LABORATORY IN A MANNER**  
27 **DETERMINED BY THE DEPARTMENT.**

28 **9-4A-14. RESERVED.**

29 **9-4A-15. RESERVED.**

1                                   **PART IV. RESIDENTIAL RENTAL PROPERTY.**

2   ~~[9-4A-01.]~~ **9-4A-16.**

3           (a)    An owner of residential rental property that is served by a private [water  
4 supply] well shall:

5                   (1)    Provide for water quality testing every 3 years;

6                   (2)    Disclose to a tenant the results of the water quality testing; and

7                   (3)    Notify a tenant:

8                           (i)    After any water quality test required under item (1) of this  
9 subsection is complete; and

10                           (ii)   Of the most recent water quality test when they sign a lease.

11           (b)    (1)    The requirements of this subsection apply when a private [water  
12 supply] well is contaminated by a substance that exceeds:

13                           (i)    The maximum contaminant level for that substance that is set  
14 by the U.S. Environmental Protection Agency for drinking water quality; or

15                           (ii)   A harmful level for that substance, as determined by the  
16 Department.

17                   (2)    When a water quality test reveals a private [water supply] well is  
18 contaminated, the owner of a residential rental property that is served by the well shall:

19                           (i)    Notify the Department and the local health department about  
20 the contamination;

21                           (ii)   Provide an approved potable water supply until the  
22 contamination is permanently remediated; and

23                           (iii)   Within 60 days of the date on which the owner knew of the  
24 contamination, resolve the issue, including by:

25                                   1.    Providing an approved potable water supply on an ongoing  
26 basis;

27                                   2.    Permanently remediating the contamination; or

28                                   3.    Providing the tenant with the option to terminate the

1 lease.

2 (c) (1) A person who violates a provision of this section is subject to a civil  
3 penalty not exceeding \$1,000.

4 (2) A local health department may:

5 (i) Enforce this section; and

6 (ii) Collect the civil penalty provided under paragraph (1) of this  
7 subsection.

8 (d) The Department shall adopt regulations to establish minimum criteria for  
9 water quality testing required under this section.

## 10 Article – Real Property

### 11 10-713.

12 (A) IN THIS SECTION, “MAXIMUM CONTAMINANT LEVEL” AND “WATER  
13 QUALITY TESTING” HAVE THE MEANINGS STATED IN § 9-4A-01 OF THE  
14 ENVIRONMENT ARTICLE.

15 (B) (1) A CONTRACT FOR THE SALE OF REAL PROPERTY ON WHICH A  
16 PRIVATE OR DOMESTIC WATER SUPPLY WELL IS LOCATED SHALL INCLUDE A  
17 PROVISION REQUIRING, AS A CONDITION OF THE SALE, THAT WATER QUALITY  
18 TESTING OF THE WELL BE CONDUCTED.

19 (2) (I) SETTLEMENT ON THE CONTRACT FOR THE SALE OF THE  
20 REAL PROPERTY MAY NOT OCCUR UNTIL THE VENDOR AND THE PURCHASER HAVE  
21 EACH RECEIVED AND REVIEWED THE RESULTS OF THE WATER QUALITY TESTING  
22 CONDUCTED UNDER THIS SUBSECTION.

23 (II) AT SETTLEMENT ON THE CONTRACT FOR THE SALE OF THE  
24 REAL PROPERTY, THE VENDOR AND THE PURCHASER SHALL EACH CERTIFY IN  
25 WRITING THAT THEY HAVE RECEIVED AND REVIEWED THE RESULTS OF THE WATER  
26 QUALITY TESTING.

27 (3) FOR THE PURPOSE OF THIS SUBSECTION, THE RESULTS OF THE  
28 WATER QUALITY TESTING REMAIN VALID FOR 6 MONTHS.

29 (C) (1) THIS SUBSECTION APPLIES TO A STATE-CERTIFIED LABORATORY  
30 THAT CONDUCTS WATER QUALITY TESTING FOR THE PURPOSE OF COMPLYING WITH  
31 THIS SECTION.

1           **(2) A STATE-CERTIFIED LABORATORY SHALL PROVIDE THE RESULTS**  
2 **OF A WATER QUALITY TEST ON A STANDARDIZED REPORTING FORM, AS REQUIRED**  
3 **BY THE DEPARTMENT OF THE ENVIRONMENT, THAT INCLUDES:**

4           **(I) A REPORT ON ANY SUBSTANCE THAT EXCEEDS:**

5                         **1. THE MAXIMUM CONTAMINANT LEVEL FOR THAT**  
6 **SUBSTANCE; OR**

7                         **2. A HARMFUL LEVEL FOR THAT SUBSTANCE, AS**  
8 **DETERMINED BY THE DEPARTMENT OF THE ENVIRONMENT; AND**

9           **(II) INFORMATION ON THE PRIVATE WELL SAFETY FUND**  
10 **ESTABLISHED UNDER § 9-4A-05 OF THE ENVIRONMENT ARTICLE, INCLUDING THE**  
11 **WEBSITE OF THE DEPARTMENT OF THE ENVIRONMENT ON WHICH INFORMATION ON**  
12 **THE FUND IS POSTED.**

13           **(3) A STATE-CERTIFIED LABORATORY MAY PROVIDE THE RESULTS**  
14 **OF WATER QUALITY TESTING ONLY TO:**

15                         **(I) 1. THE VENDOR AND PURCHASER OF REAL PROPERTY**  
16 **FOR WHICH THE WATER QUALITY TESTING WAS CONDUCTED; AND**

17                         **2. ANY PERSON AUTHORIZED BY THE VENDOR OR**  
18 **PURCHASER;**

19                         **(II) THE DEPARTMENT OF THE ENVIRONMENT IN ACCORDANCE**  
20 **WITH PARAGRAPH (4) OF THIS SUBSECTION; AND**

21                         **(III) ANY PERSON DESIGNATED BY A COURT ORDER.**

22           **(4) WITHIN 5 BUSINESS DAYS AFTER COMPLETION OF WATER**  
23 **QUALITY TESTING, A STATE-CERTIFIED LABORATORY SHALL SUBMIT TO THE**  
24 **DEPARTMENT OF THE ENVIRONMENT THE RESULTS OF WATER QUALITY TESTING**  
25 **AND INCLUDE THE FOLLOWING INFORMATION:**

26                         **(I) A STATEMENT THAT THE WATER QUALITY TESTING IS FOR**  
27 **THE PURPOSE OF COMPLYING WITH THIS SECTION;**

28                         **(II) THE LOCATION OF THE REAL PROPERTY, DESCRIBED BY**  
29 **BLOCK AND LOT NUMBER, STREET ADDRESS, COUNTY, AND, IF APPLICABLE,**  
30 **MUNICIPALITY;**

1                   **(III) THE NAME AND MAILING ADDRESS OF THE PERSON THAT**  
2 **REQUESTED THE WATER QUALITY TESTING;**

3                   **(IV) THE NAME OF THE EMPLOYEE OR AN AUTHORIZED**  
4 **REPRESENTATIVE OF THE LABORATORY WHO COLLECTED THE WELL SAMPLE;**

5                   **(V) THE DATE AND TIME THAT THE WATER SAMPLE WAS**  
6 **COLLECTED AND THE SPECIFIC POINT OF COLLECTION;**

7                   **(VI) THE DATE AND TIME THE SAMPLE WAS ANALYZED BY THE**  
8 **LABORATORY; AND**

9                   **(VII) ANY OTHER INFORMATION REQUIRED BY THE**  
10 **DEPARTMENT OF THE ENVIRONMENT.**

11           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2022.