

Article - Real Property

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§10–713.

(a) In this section, “maximum contaminant level” and “water quality testing” have the meanings stated in § 9–4A–01 of the Environment Article.

(b) (1) A contract for the sale of real property on which a private or domestic water supply well is located shall include a provision requiring, as a condition of the sale, that the purchaser ensure that water quality testing of the well be conducted.

(2) (i) Settlement on the contract for the sale of the real property may not occur until the vendor and the purchaser have each received and reviewed the results of the water quality testing conducted under this subsection.

(ii) At settlement on the contract for the sale of the real property, the vendor and the purchaser shall each certify in writing that they have received and reviewed the results of the water quality testing.

(3) For the purpose of this subsection, the results of the water quality testing remain valid for 3 years.

(4) A purchaser may waive in writing the water quality testing requirements under this subsection.

(c) (1) This subsection applies to a State–certified laboratory that conducts water quality testing for the purpose of complying with this section.

(2) A State–certified laboratory shall provide the results of a water quality test on a standardized reporting form, as required by the Department of the Environment, that includes a report on any substance that exceeds:

(i) The maximum contaminant level for that substance; or

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

(3) A State–certified laboratory may provide the results of water quality testing only to:

(i) 1. The vendor and purchaser of real property for which the water quality testing was conducted; and

2. Any person authorized by the vendor or purchaser;

(ii) The Department of the Environment in accordance with paragraph (4) of this subsection; and

(iii) Any person designated by a court order.

(4) Within 5 business days after completion of water quality testing, a State-certified laboratory shall submit to the Department of the Environment the results of water quality testing and include the following information:

(i) A statement that the water quality testing is for the purpose of complying with this section;

(ii) The location of the real property, described by block and lot number, street address, county, and, if applicable, municipality;

(iii) The name and mailing address of the person that requested the water quality testing;

(iv) The name of the employee or an authorized representative of the laboratory who collected the well water sample;

(v) The date and time that the well water sample was collected and the specific point of collection;

(vi) The date and time the well water sample was analyzed by the laboratory;

(vii) Whether the well water sample is raw water or finished water;

(viii) The well tag number, if known; and

(ix) Any other information required by the Department of the Environment.

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