



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Crumbles, Secretary
Horacio Tablada, Deputy Secretary

February 24, 2021

The Honorable Kumar P. Barve
Environment and Transportation Committee
Room 251, House Office Building
Annapolis, Maryland 21401

Re: House Bill 1069 – Water Supply - Private Well Safety Program

Dear Chairman Barve and Members of the Committee:

The Maryland Department of the Environment (MDE) has reviewed House Bill 1069, entitled Water Supply - Private Well Safety Program and would like to offer a letter of information regarding this legislation.

House Bill 1069 establishes two new programs: a well safety program and a well surveillance program. The well safety program will have a dedicated private well safety fund consisting of revenue collected by a special transfer tax. The imposed tax will apply when transferring any residential property served by a private water supply well. The well safety program will include grant opportunities for covered households, not necessarily property owners, to assist with costs related to water quality tests, well remediations and costs associated with septic systems. Grants may also be provided to counties to disburse funds to covered households and for educational outreach activities. The bill would require a public accessible portal component for water quality testing results and certificates of potability.

The well safety fund will not finance the well surveillance program established in this bill. The surveillance program would be a new program for the Department and the counties to conduct field sampling and surveys of private water supply wells in areas of suspected contamination. Based on field results areas are designated as hotspots which will encompass an entire zip code. The definition in the proposed bill for designating hotspots expands beyond the results of field surveys. According to the definition in a two-year period, a zip code would be a hotspot if half of any water quality testing indicates an exceedance of a maximum contaminant level. Designation of a hotspot will trigger notification to Maryland Department of Health to the owner of any impacted well.

The Department would be required to develop regulations and operational programs to accommodate this legislation. The proposal does specify the county government would be responsible for specific duties; this may overlap current delegated duties pertaining to well construction such as well construction standards. The bill does not address enforcement or consider any ramifications to properties located within designated hotspots.

The proposed bill requires testing and disclosure of results every three years for all residential rental property served by a private water supply well. Every property served by a private residential water supply well must test for five contaminants and provide results to a purchaser. The five contaminants are inconsistent with the proposed definition for water quality testing.

Because of the complexity of this issue and the desire to have a well-formed program, if a new program is needed the Department would like to suggest that this bill be amended to form a summer workgroup to thoroughly examine the issue. The workgroup would provide detailed advice and recommendations by the end of the calendar year, which would provide ample time for legislation, if needed, to be drafted for the 2022 Legislative Session. The Department would be willing to chair and staff the workgroup.

Thank you for your consideration. We will continue to monitor House Bill 1069 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at tyler.abbott@maryland.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Abbott", written over a horizontal line.

Tyler Abbott

cc: The Honorable Vaughn Stewart