

HB 250 Private Well Safety Act of 2022
House Environmental and Transportation Committee
February 2, 2022
Brent Walls, Upper Potomac Riverkeeper

FAVORABLE

***Potomac Riverkeeper Network:** Our mission is to protect the public's right to clean water in the Potomac and Shenandoah Rivers and their tributaries. We stop pollution to enhance the safety of our drinking water, protect healthy river habitats, and enhance public use and enjoyment.*

As the Upper Potomac Riverkeeper, I work with colleagues within the Potomac Riverkeeper Network to protect and defend the Potomac and Shenandoah Rivers and their tributaries. We are interested in ensuring that people have safe water to drink, which protects their health and decreases the likelihood that they are buying bottled water, which generates unsightly plastic pollution and supports fossil fuel development. Almost a million Marylanders rely on well water as their primary drinking water source. We need to ensure that their health is protected.

While our focus is primarily on stopping pollution and enhancing access to surface waters within the watershed, we are also interested in protecting groundwater since it is often connected to surface waters. This is particularly true in Washington and Frederick County where karst geologic formations inhibit the natural breakdown of nitrogen and bacteria from septic systems that is expected in other soils. In fact, Washington County has submitted a request for the Maryland Department of the Environment to conduct a ground water pollution assessment. This action was spurred by a [risk assessment](#) of karst geology in Washington County by Maryland Geological Survey. The report identified high risk areas that are susceptible to surface and subsurface pollution, including septic systems. Most existing private wells in Washington County are located in those high-risk areas.

I also have personal experience with the contamination of a private well on my horse farm in Williamsport. The private well head protections of older wells were not as protective as they are now. My older well did not have the appropriate well casing protections from surface pollutants. I had to replace my well at considerable cost. If I would have known that the private well on my property was polluted when I first considered purchasing, I may not have bought the home.

House Bill 250 will protect private well owners by:

- Requiring MDE to establish a Private Well Safety Program, which will provide eligible residents with financial assistance to cover the costs associated with water test kits, and when unsafe levels of contamination are found, of well remediation.
- Requiring MDE to create an accessible online database of well water quality test results and requiring county health departments and state-certified labs to upload water quality test results to the database periodically.

- Requiring water quality testing during the sale of a home with a well.

Let me commend the Maryland legislature on your work last year to pass HB 1069, which [requires](#) landlords to test well water regularly, report results to tenants, and address contamination if found. This law is particularly helpful to ensuring the safety of the drinking water of those who rent property that is served by drinking water wells.

However, even with last year's improvements, Maryland still has some of the weakest protections for private well owners nationwide. According to a [2020 report](#) from the Center for Progressive Reform, in reviewing key protective policies and programs that states have adopted to protect the drinking water of private well owners, Maryland ranks among the five states with the fewest protections nationwide. This bill would bring Maryland in line with the protections and resources that other states provide to well owners.

HB 250 is necessary to establish a desperately needed private well water quality database so that residents and county or State health officials can begin to quantify the impacts to residents. According to the EPA's web siteⁱ, 28% of private wells in Maryland have levels of 5.0 mg/l or higher, where Maryland is second to Delaware at 53%. Research has shown that nitrate levels of 5 m/l in private wells does have a negative health impact on homeowners.ⁱⁱ And in Karst geology areas, like in Washington County, nitrate levels in groundwater and in private wells can be much higher than non-karst areas.ⁱⁱⁱIn-fact, karst geology has very little filtering ability for many pollutants like fecal coliform bacteria or pesticides and fertilizers. Which means private wells in karst geology have a higher degree of contamination and significant health impacts to residents than other areas in Maryland. However, information of private wells is scattered between well drilling companies and county health departments. HB 250 will finally help residents and environmental health officials assess the water quality impacts to residents across Maryland.

Potomac Riverkeeper Network urges a favorable report.

Sincerely,
Brent Walls
Upper Potomac Riverkeeper

ⁱ EPA 4, US EPA, August 9, 2017. Estimated Nitrate concentrations in groundwater used for drinking. Retrieved Sept. 13, 2019, from <http://www.epa.gov/nutrient-policy-data/estimated-nitrate-concentrations-groundwater-used-drinking>

ⁱⁱ Ward, Mary H., Jones, Rena R., Brender, Jean D., de Kok, Theo M., Weyer, PeterJ., Nolan, Bernard T., Villanueva, Cristina M., van Breda, Simone G. 2018. Drinking water nitrate and human health: An Updated Review. *International Journal of Environmental Research and Public Health* 15:1557

ⁱⁱⁱ Berzinski, David K., Geology and karst development of the Hagerstown Valley of Maryland, Report of investigations 86, 2018, DNR Publication No. 12-053118-73.