



Maryland

Department of the Environment

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

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

February 2, 2022

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

Re: House Bill 250 – Private Well Safety Act of 2022

Dear Chair Barve and Members of the Committee:

The Maryland Department of the Environment (MDE or the Department) has reviewed HB 250, *Private Well Safety Act of 2022*, and would like to share some concerns about this legislation.

HB250 proposes to amend Title 9 of the Environment Article by requiring MDE to expand the existing Private Well Safety Program (Program) and set up a Private Well Safety Fund to make grants to help cover the costs of water quality testing and remediation for private wells. The bill requires records of certificates of potability and water quality testing results to be uploaded to a portal accessible by the public. It requires MDE to annually report the information and data collected pursuant to the Program.

The Department offers the following comments for consideration. The Department currently has adequate and sufficient staff and resources to conduct its mission effectively and efficiently. Any additional legislatively-mandated program or regulation, such as this, will likely hamper our efficiency, force us to divert resources away from current core competencies and likely disrupt customer service and/or diminish services. The legislation, as proposed, does not identify a source of funding to implement the bill's requirements.

The bill, as drafted, states that recipients of the grant are “covered households,” which is defined as one or more individuals who reside at a property served by a well. However, a resident at the property may not be the owner of the private well. Additionally, the legislation requires payments to be made directly to well drillers or pump installers, unless a covered household provides documentation that payment has been made. The Department has concerns about being interposed into a contract between a covered household and a contractor. The household which receives the services should be responsible for paying the contractor upon satisfactory completion of the work. The work performed by water conditioner installers could be eligible for payments as well.

Another concern is that the bill includes certificates of potability, which is not solely based on water quality samples, it includes other processes regarding well construction. Without inclusion of a definition, this legislation suggests certificates of potability can be issued in response to water quality testing. The online portal for reporting water quality testing results would need to be developed or procured prior to implementation. This would not be possible by the effective date of October 1, 2022. The definition of “private well” should be revised since some private wells have non-potable uses and make it clearer the intent is for this bill to be applicable only to private wells with a potable use or domestic water supply well.

It would be preferable for the Department to develop a list of standards for water quality testing that the Department deems necessary for each county or any specific area within a county in regulation instead of listed in the statute. It is also advisable that the reporting of contaminants should be reported by aquifer, in addition to zip code. Lastly, the state certified lab should include the well tag number of the well from which sample was taken and whether the sample is raw water or finished water.

Thank you for your consideration. We will continue to monitor HB 250 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 tyler.abbott@maryland.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Abbott", with a long horizontal line extending to the left.

Tyler Abbott

cc: Lee Currey, MDE, Director, Water and Science Administration