HB0011 ShoreRivers Testimony, Favorable.pdf
Uploaded by: Annie Richards
Position: FAV

Testimony in Support of House Bill 0011 – Private Well Safety Act of 2023

January 30, 2023

Dear Chairman Barve and Members of the Committee,

Thank you for this opportunity to submit testimony **in support of HB0011**, *Private Well Safety Act of 2023,* on behalf of ShoreRivers. ShoreRivers is a river protection group on Maryland's Eastern Shore with more than 2,000 members. Our mission is to protect and restore our Eastern Shore waterways through science-based advocacy, restoration, and education. ShoreRivers believes that access for all communities to clean water is an essential right, and **what could be more essential than clean, safe, drinking water?**

As a Riverkeeper, I research and collect water quality data including nitrogen, phosphorus, and fecal enterococci bacteria levels and communicate my findings to communities within my watershed. I am committed to providing this information so that individuals and families can make informed decisions about swimming or recreating in their local waterways. **The establishment of an accessible online database of well water quality results would allow Riverkeepers and other water advocacy organizations to connect their local communities to transparent, credible data about the ground water they drink.**

As an advocate for the Chester River, I work primarily with the residents of Kent and Queen Anne's counties, two of the most agricultural counties in Maryland. Their intensely rural landscapes and sparsely set subdivisions mean that large percentages of the population are not connected to town utilities, and are reliant on well water. Many residents have never tested their water supply beyond what was required to build the well, leaving them and future residents at risk of ingesting coliform bacteria, harmful nitrates, and chemical runoff associated with agricultural practices. A Maryland Department of the Environment report from 2013 states that, "Nitrate pollution in groundwater is becoming increasingly problematic, [...] Due to agricultural land use practices, nitrate concentrations in shallow waters of unconfined Coastal Plain aquifers on Maryland's Eastern Shore commonly exceed the Federal Drinking Water Standard."[1] The department's 2021 report indicates that not much has changed. **Requiring water quality testing during the sale of a home with a well will, at minimum, increase data available through the state's online portal, and**

[1] Maryland Department of the Environment. *Groundwater Protection Program Annual Report to the Maryland General Assembly 2013.* July 2013. Available at https://mde.maryland.gov/programs/Water/water_supply/Source_Water_Assessment_Program/Documents/FINAL_GWR%20report_1__2013%20_3_.pdf.

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shorerivers.org

protect new homeowners from buying a home with contaminated and harmful water.

Within my watershed, it is often overburdened and underserved communities who have face greatest risk of living with contaminated well water. This is a result of these communities residing in low-lying land that is disproportionately burdened with environmental hazards such as stormwater flooding and agricultural runoff. **Requiring the Maryland Department of the Environment to establish a Private Well Safety Program will provide eligible residents with financial assistance to cover the costs associated with water test kits, and provide the opportunity for residents to remediate their wells when unsafe levels of contamination are found.**

The Private Well Safety Act of 2023 will establish common sense protections and protocols that support private well owners, homebuyers, water advocacy organizations, and lower-income families who may bear a disproportionate burden from unsafe drinking water. For these reasons and the examples described above, ShoreRivers urges the committee to adopt **House Bill 0011.**

Sincerely,
Annie Richards, Chester Riverkeeper on behalf of:

ShoreRivers
Isabel Hardesty, Executive Director
Annie Richards, Chester Riverkeeper | Matt Pluta, Choptank Riverkeeper | Zack Kelleher, Sassafras Riverkeeper

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HB0011 Private Well Safety Act.pdf
Uploaded by: Cecilia Plante
Position: FAV

MARYLAND LEGISLATIVE COALITION

TESTIMONY FOR HB0011
PRIVATE WELL SAFETY ACT OF 2022

Bill Sponsor: Delegate Stewart
Committee: Environment and Transportation
Organization Submitting: Maryland Legislative Coalition
Person Submitting: Cecilia Plante, co-chair
Position: FAVORABLE

I am submitting this testimony in favor of HB0011 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of activists - individuals and grassroots groups in every district in the state. We are unpaid citizen lobbyists, and our Coalition supports well over 30,000 members.

Maryland seems to be consistently behind most states in environmental protections. More than 2 million people in our state, or a third of our population, have little to no protections on their water supply. Maryland is among five states with the fewest protections on well water safety. The state does not offer free or low-cost test kits, require notification of well testing results by property owners to potential sellers or tenants, or maintain a public database of well testing results. Furthermore, the Maryland Department of the Environment (MDE) has not reported to the General Assembly on the state's Groundwater Protection Program since 2013, leaving many wondering whether the state's groundwater resources are being regularly monitored.

Given the data that we do have, Maryland well water is dangerous to drink. Studies show the prevalence of nitrate—an odorless, colorless, and tasteless contaminant often found in groundwater, and linked to cancer—in private wells on the state's Lower Eastern Shore. Common sources of nitrate include excess application of manure and fertilizer to fields, as well as septic system drainage. Researchers found that one in 25 wells tested in Wicomico and Worcester counties since 1965 had nitrate levels above the Environmental Protection Agency's (EPA) safe drinking water threshold. Additionally, data from the U.S. Geological Survey and the Chesapeake Bay Program show that nitrogen levels have steadily increased in Lower Eastern Shore waterways.

Although MDE operates a Be Well Wise public education program, evidence suggests this isn't enough. In a 2020 poll of Lower Eastern Shore residents, nearly three-quarters of private well owners stated that they had never tested their well water, or had not done so in the last year (the state recommends testing annually). The most common explanation for not testing was, "I didn't know I needed to." The survey also showed that lower-income residents were less likely to test their wells, indicating that testing costs may be a barrier to maintaining well safety.

This bill would establish a Private Well Safety Program and a grant program that would provide Marylanders who get their water from a private well with the necessary grant funds, resources and information to monitor and safeguard their household drinking water, and ultimately protect their and their family's health. Given that there are many Marylanders who are being slowly poisoned by their drinking water, with no support from the state, our members strongly believe that this legislation is critical.

We support this bill and recommend a **FAVORABLE** report in committee.

HB 11 Matt Geckle Pre Cast FAV .pdf
Uploaded by: Dru Schmidt-Perkins
Position: FAV

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HB 11 Private Well Safety Act of 2023

Education Health and Environmental Affairs
Mathew Geckle Back River Precast
February 1, 2023

Position: Favorable

It is urgent that Maryland do more to test and protect private wells. 45 states have better well testing and safety program than Maryland. This puts rural Maryland at unnecessary risk from illnesses.

I want to focus on one large threat to our private wells. Septic systems. Most homes on wells also have septics. EPA estimates that at least 10% of our current 450,000 systems are failing. I can also attest that over the last couple years my calls for failing systems have skyrocketed. The combination of aging systems, poor design, or bad installation added to increased heavy rains and more people home instead of at work and school has played havoc on septic systems function.

Of course, the problem from failing septic systems extend beyond household sewage bubbling up in yards or basements. These failing systems are putting untreated waste into the ground and therefore, putting drinking water at risk.

As we now know many people have no idea that they must test their wells regularly. Maryland is not educating well owners on testing or making it simple to test.

Passing HB 11 will provide the education, financial help to make it easier to find out if the home's drinking water is safe. Equally importantly it helps to fund solutions to any contamination. This bill is urgently needed to protect rural Maryland's heath and their investment in their homes.

We cannot simply pretend there is no problem because we are not testing for it. Almost every other state protects their residents better than Maryland.

I urge a favorable report.

GRoss_ACT_Hb11_Private Well Safety Act.pdf
Uploaded by: Gabrielle Ross
Position: FAV

Assateague Coastal Trust – PO Box 731, Berlin, MD 21811 – 410-629-1538

Testimony in Support of HB11

<u>This testimony covers these three key points:</u>

1. The desperate need for well water remediation and data collection
2. Findings of the Lower Shore Safe Well Initiative (LSSWI)
3. Cancer rates and statistics as it relates to groundwater

January 31st, 2023

Dear Members of the Committee:

Thank you for this opportunity to submit testimony in support of HB11, on behalf of Assateague Coastal Trust (ACT), the Waterkeeper program for the lower Eastern Shore of Maryland. ACT protects and defends the health of Delmarva's coastal waters through advocacy, education, science, and the enforcement of just and equitable clean water laws. If enacted, HB11 will be vital for citizens of the lower Eastern Shore of Maryland.

Assateague Coastal Trust is extremely concerned about the well water quality here on the Eastern Shore. Most of our constituents are on well water, or drink water from a well that is supplied by a municipality. The contaminants that are causing vast health concerns down here are often tasteless, colorless, and odorless. Currently, Maryland is ranked among the five states with the fewest protections regarding private wells. On the Eastern Shore, we are far behind on the desperately needed infrastructure to protect people from contamination of their drinking water, as well as have had massive gaps in research and public awareness of the health impacts of drinking contaminated water.

In 2021, the Center for Progressive Reform, the Assateague Coastal Trust, the Environmental Integrity Project, and the University of Maryland School of Public Health partnered to launch the **Lower Shore Safe Well Water Initiative (LSSWWI)**, whereby well owners in Somerset, Wicomico, and Worcester County could sign up to receive a free nitrate test kit in the mail. Between April and November, 127 wells on Maryland's Lower Shore were sampled. Here are the findings:

- **81 percent of participants had never tested their wells or had done so only once.** Only two participants reported testing their wells annually.
- **30 percent of participants reported having no water treatment systems in their homes**
- **41 percent said they had never received information about their well from any source**, including MDE and their local health department. The participants' wells ranged from two to 86 years old, with an average of 26 years.

Overall, five percent of samples collected through the LSSWWI exceeded EPA's safe drinking water threshold for nitrate, and an additional 12 percent had nitrate levels that may be hazardous to health. In a follow-up survey of participants, more than a third of respondents said that cost of testing and/or remediation, and/or not knowing where to get test kits were barriers to testing their well water.

Furthermore, 98 percent of respondents said they would support efforts by the state of Maryland to provide free or low-cost test kits to well owners and 87 percent of respondents said they would support efforts by the state of Maryland to provide grants to well owners to clean up contaminated wells.

The time to act on this is now. We know that cancer statistics for the lower Eastern shore of Maryland are some of the highest in the state. In 2020, a study was published in the International Journal of Environmental Research and Public Health that found that on Maryland's Lower Eastern Shore "cancer patients were more likely to live in homes supplied by private well water compared to individuals in the general regional population." According to the U.S. Surveillance, Epidemiology, and End Results (SEER) database, "Wicomico, Worcester, and Somerset counties have some of the highest rates of lung cancer, colorectal cancer, breast cancer, and melanoma in Maryland" [1].

Given the high prevalence of several cancer types, the potential for ground water contamination, and the popularity of private well water use in this rural region, evaluating the relationship between cancer diagnosis and water source on the lower Eastern shore bears serious consideration.

The Private Well Safety Act will provide roughly 830,000 Marylanders who get their drinking water from a private well with the necessary resources and information to monitor and safeguard their household drinking water, and ultimately protect their and their family's health. We are urging to you to pass **HB11, The Private Well Safety Act** so that all Marylanders can have access to clean, safe drinking water.

Sincerely,

Gabrielle (Gabby) Ross
Assateague Coastkeeper
Assateague Coastal Trust
443.235.2014
coastkeeper@actforbays.org

Sources :

[1] DeRidder, A., Kalluri, S., & Holdai, V. (2020, December 28). *A retrospective chart review evaluating the relationship between cancer diagnosis and residential water source on the Lower Eastern Shore of Maryland, USA.* International journal of environmental research and public health. Retrieved January 27, 2023, from https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7796121/#:~:text=Cancer%20statistics%20for%20the%20lower,melanoma%20in%20Maryland%20%5B21%5D.

Draft HB11 Sign-On Testimony (2023).pdf
Uploaded by: Katlyn Schmitt
Position: FAV

Testimony in Support of House Bill 11 — Private Well Safety Act of 2023 (Delegate Vaughn Stewart)

February 1, 2023

Dear Chairman Barve and Members of the House Environment and Transportation Committee:

The **undersigned organizations** are grateful for the opportunity to submit written testimony in **support** of House Bill 11. The bill would establish a Private Well Safety Program that would provide roughly 830,000 Marylanders who get their drinking water from a private well with the necessary resources and information to monitor and safeguard their household drinking water, and ultimately protect their and their family's health.

While progress has been made, Maryland currently lags far behind most states in private well protections. In a 2020 report released by the Center for Progressive Reform (CPR), researchers found that among 10 key policies and programs that states have implemented to protect private well owners, Maryland ranked among the five states with the fewest protections.[1] Aside from basic construction and safety requirements and an initial water quality test when a new well is drilled, the state does not offer free or low-cost test kits, require notification of well testing results by property owners to potential homebuyers or tenants, or maintain a public database of well testing results. Until 2021, when House Bill 1069 passed, landlords were not required to test wells and provide renters with water testing results. Furthermore, in 2021, the Maryland Department of the Environment (MDE) reported to the General Assembly on the state's Groundwater Protection Program after an eight-year gap, which left many wondering whether the state's groundwater resources are being regularly monitored.[2] The 2021 report affirms that groundwater quality data is insufficient and that, "…private wells [...] may be contaminated due to the adjacent municipal practices (i.e., discharge, landfill, industrial releases, etc.). These communities often lack the ability to demand greater resources and accountability to protect their vital groundwater resource."

House Bill 11 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. Counties may apply for funding under the Private Well Safety Program to implement this portion of the bill.
- 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.

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[1] Minovi D and Schmitt K. *Tainted Tap: Nitrate Pollution, Factory Farms, and Drinking Water in Maryland and Beyond.* Center for Progressive Reform. Oct 2020. Available at https://progressivereform.org/our-work/energy-environment/tainted-tap-nitrate/.

[2] Maryland Department of the Environment. *Groundwater Protection Program Report to the Maryland General Assembly.* December 2021.

Data suggest these protections are desperately needed in Maryland. The aforementioned CPR report assessed the prevalence of nitrate—an odorless, colorless, and tasteless contaminant often found in groundwater—in private wells on the state's Lower Eastern Shore. Common sources of nitrate include excess application of manure and fertilizer to fields, as well as septic system drainage. Researchers found that one in 25 wells tested in Wicomico and Worcester counties had nitrate levels above the Environmental Protection Agency's (EPA) safe drinking water threshold.[3]

Nitrate levels above this threshold are known to cause blue baby syndrome, a condition fatal to infants through oxygen deprivation. Research has also linked nitrate in drinking water at levels well below EPA's threshold with an increased risk of cancer, particularly colon cancer, as well as pregnancy complications and thyroid disease.[4] A 2021 study observed an association between well water usage and cancer, especially colon cancer, among private well users on the Lower Eastern Shore.[5] Without a public database of well water quality tests or consistent groundwater monitoring, it is nearly impossible to know whether well drinking water is safe. Data from the U.S. Geological Survey and the Chesapeake Bay Program show that nitrogen levels have steadily increased in Lower Eastern Shore waterways.[6]

These findings are nothing new to Maryland regulators. Prior to the release of the 2021 Groundwater Protection Program Report, MDE's last report, published in 2013, states that "Nitrate pollution in groundwater is becoming increasingly problematic, [...] Due to agricultural land use practices, nitrate concentrations in shallow waters of unconfined Coastal Plain aquifers on Maryland's Eastern Shore commonly exceed the Federal Drinking Water Standard."[7] The 2021 report indicates that not much has changed. While MDE operates a Be Well Wise public education program recommending that well owners test their water annually, evidence suggests this isn't enough. In a 2020 poll of Lower Eastern Shore residents, nearly three-quarters of private well owners stated that they had never tested their well water, or had not done so in the last year (the state recommends testing annually). The most common explanation for not testing was, "I didn't know I needed to." The survey also showed that lower-income residents were less likely to test their wells, indicating that testing costs may be a barrier to maintaining well safety.

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[3] Minovi and Schmitt, 2020.

[4] Ward MH, et al. Drinking Water Nitrate and Human Health: An Updated Review. *Int J Environ Res Public Health.* 2018;15(7):1557.

[5] DeRidder A, Kalluri S, and Holdai V. A Retrospective Chart Review Evaluating the Relationship Between Cancer Diagnosis and Residential Water Source on the Lower Eastern Shore of Maryland, USA. *Int J Environ Res Public Health.* 2021;8(1):145.

[6] Ator SW and Denver JM. *Understanding Nutrients in the Chesapeake Bay Watershed and Implications for Management and Restoration—the Eastern Shore*. U.S. Geological Survey. 2015. Available at https://pubs.usgs.gov/circ/1406/pdf/circ1406.pdf; Chesapeake Bay Program.*Chesapeake Assessment and Scenario Tool, Version 2019*. Last visited September 27, 2020.

[7] Maryland Department of the Environment. *Groundwater Protection Program Annual Report to the Maryland General Assembly 2013.* July 2013. Available at https://mde.maryland.gov/programs/Water/water_supply/Source_Water_Assessment_Program/Documents/FINAL_GWR%20report_1__2013%20_3_.pdf.

Recent research supports these findings. In 2021, CPR, the Assateague Coastal Trust, the Environmental Integrity Project, and the University of Maryland School of Public Health partnered to launch the Lower Shore Safe Well Water Initiative (LSSWWI), whereby well owners in Somerset, Wicomico, and Worcester county could sign up to receive a free nitrate test kit in the mail. Between April and November, 127 wells on Maryland's Lower Shore were sampled. Prior to participating in the program, 81 percent of participants had never tested their wells or had done so only once. Only two participants reported testing their wells annually. Furthermore, 30 percent of participants reported having no water treatment systems in their homes, and 41 percent said they had never received information about their well from any source, including MDE and their local health department. The participants' wells ranged from two to 86 years old, with an average of 26 years.

Overall, five percent of samples collected through the LSSWWI exceeded EPA's safe drinking water threshold for nitrate, and an additional 12 percent had nitrate levels that may be hazardous to health. In a follow-up survey of participants, more than a third of respondents said that cost of testing and/or remediation, and/or not knowing where to get test kits were barriers to testing their well water. Furthermore, 98 percent of respondents said they would support efforts by the state of Maryland to provide free or low-cost test kits to well owners and 87 percent of respondents said they would support efforts by the state of Maryland to provide grants to well owners to clean up contaminated wells.

Whether it is nitrates or another drinking water contaminant, House Bill 11 is a critical first step to ensuring that all Marylanders have a right to safe, clean drinking water. It is well past time the state implements common-sense protections to support private well owners, especially lower-income families who may bear a disproportionate burden from unsafe drinking water. In an effort to safeguard Maryland's groundwater resources and protect the health of Maryland well users, we urge the Committee to adopt a **FAVORABLE** report on House Bill 11.

Sincerely,

Assateague Coastal Trust
Arundel Rivers Federation
Blue Water Baltimore
Center for Progressive Reform
Chesapeake Bay Foundation
Chesapeake Legal Alliance
ShoreRivers
Waterkeepers Chesapeake
Maryland Campaign for Environmental Human Rights
Maryland Legislative Coalition
Maryland Legislative Coalition Climate Justice Wing

Frequently Asked Questions

1. **What does the bill do?**

   The Private Well Safety Act (House Bill 11) would allow the Maryland Department of the Environment ('the Department) and eligible counties to provide Marylanders with financial assistance to cover the costs associated with well water quality testing, and when unsafe levels of contamination are found – well remediation.

   The bill also creates an accessible online database of well water quality test results to ensure that the public has easy access to groundwater data.

   Lastly, modeled after New Jersey's Private Well Testing Act (2001), House Bill 11 would require drinking water quality testing during the sale of a home with a well. Potential buyers would have the opportunity to sign a waiver to avoid this requirement, as it may not be appropriate in all cases.

2. **Who may apply for financial assistance to cover the costs of well testing and remediation?**

Any household, where one or more individuals reside, served primarily by a private or domestic well. The bill explicitly bars financial assistance for testing or remediation of: (1) work conducted before the grant award was approved, (2) wells serving commercial establishments, (3) private wells that do not meet the contamination criteria, (4) dug wells, and (5) point-driven wells. A single household may not receive more than one award for testing and one award for remediation in a single year.

The bill does not place any financial restrictions on who may apply for assistance for well water quality testing and remediation, but the bill does direct the Department to come up with an income guideline scale in order to provide consistent awards to Marylanders in certain income brackets. Marylanders with a household income below 50 percent of the state's median income level are eligible to receive up to 100 percent of the costs associated with testing and remediation.

The minimum sampling parameters covered for water quality testing under this portion of the bill include bacteria, nitrate, and turbidity. However, the bill directs the Department to develop a list of additional standards for water quality testing that the Department deems necessary for each county, including but not limited to: (1) manganese, (2) arsenic, (3) radon, (4) mercury, and (5) volatile organic compounds for which there is a Maximum Contaminant Level.

The bill also allows the Department, or eligible counties, to collect an application fee (not to exceed $10 for testing and $250 for remediation) for this financial assistance. The Department, or eligible county, may also waive the application fee based on the applicant's income levels.

3. **What private or domestic well remediation is covered under the bill?**

The bill defines remediation as the drilling of a new well or a connection to a public water supply. Remediation does not include ongoing treatment, such as on-site filtration systems, because there will be ongoing maintenance costs involved and it would require permanent deviation agreements to be recorded to the land records. Thus, providing funding for the perpetual maintenance of treatment systems is not a feasible or reasonable use of these funds.

The relevant bill language is modeled after Wisconsin's Well Compensation Grant Program, which provides financial assistance to residents to remediate contaminated wells.

4. **When would a household become eligible for financial assistance to remediate their private or domestic well?**

A resident or household with a private or domestic well can seek financial assistance to remediate their well if it is contaminated. A resident or household can demonstrate contamination if:

- water quality testing (conducted by a state-approved laboratory) that a substance exceeds the legal threshold limit on the amount that is allowed in a public water system (the 'Maximum Contaminant Level' (MCL) under the Safe Drinking Water Act (SDWA); OR
- There is a harmful level of another contaminant, as determined by the Department of the Environment.

COMAR doesn't explicitly define what a private or domestic well is, but generally private wells are drinking water sources that do not meet the COMAR definition of a public water system. COMAR defines a public water system as "a system that provides water for human consumption to the public through pipes or other constructed conveyances, if the system has at least 15 service connections or regularly serves at least 25 individuals daily at least 60 days out of the year."

5. **Are counties required to participate in the Private Well Safety Program?**

No, county health departments must apply for grant resources from the Department in order to participate in the program to provide financial assistance to county residents. Grants to the county health departments must include consideration of administration costs.

The Department will be responsible for providing financial assistance directly to residents living in counties not participating in the program.

6. **What does a county health department need to to do participate in the Private Well Safety Program?**

To receive grant funding, counties must agree to engage in outreach activities to educate residents on the availability of financial assistance for private well testing and

remediation, as well as the importance of annual testing. This includes publishing information on the website, providing information over the phone when residents call about their private wells and submitting an annual report to the Department. The report must be submitted to the Department by September 1st annually, and include:

- ➢ the locations of covered households that received a grant award;
- ➢ the dollar amount awarded to each household, categorized by funding for water quality testing and remediation;
- ➢ the total number of water quality tests conducted and the proportion that detected a substance that exceeds the Maximum Contaminant Level for that substance, categorized by zip code or other identifying factors;
- ➢ the number of water quality tests conducted within the previous 12–month period and the proportion that detected a substance that exceeds the maximum contaminant level for that substance, categorized by "census tract or other identifying factors";
- ➢ the location of areas of potential concern;
- ➢ the most commonly detected contaminants of concern, categorized by "census tract or other identifying factors"; and
- ➢ any other information required by the Department.

Counties may add explanatory or qualifying information to their report's results.

7. Will the Private Well Safety Act require testing during the sale of a home with a private or domestic well?

Yes, but not always. Any contract for the sale of real property on which a private or domestic well is located shall include a provision requiring, as a condition of the sale, that water quality testing of the well be conducted. However, the bill includes language allowing for the waiver of this requirement, with the signature of the buyer.

8. What type of testing is required for real estate transfers?

The testing that is required for real estate transfers matches the testing required to obtain a Certificate of Potability: 2 bacteria samples, 1 nitrate, and 1 turbidity sample. The average cost for this type of test is $79.

Sampling and testing must be conducted by a state-certified laboratory.

9. **How long will a well water quality test remain valid to fulfill the real estate transfer portion of the bill?**

   3 years

10. **What type of reporting is required under the bill?**

    In addition to the reporting required of participating counties (see #5 above), state-approved laboratories in certain circumstances will be required to report to the the Department. Likewise, the Maryland Department of the Environment will be required to report on the implementation of the Private Well Safety Program to gauge its impact and insights on the status of local groundwater quality across the state.

    For state-approved laboratories, any test conducted under the Private Well Safety Program must be sent to the Department an ongoing basis (at least quarterly). This includes private well water quality testing: (1) pursuant to the landlord testing required under state law (House Bill 1069, 2021; Ch. 622), (2) conducted for a resident or household receiving financial assistance under House Bill 11, or (3) private well water quality testing for to the real estate transfer requirements under House Bill 11. The Department will provide a standardized reporting form to state-certified laboratories to fulfill these requirements. The report should include the results of the water quality tests, including any detected contamination exceeding the Maximum Contaminant Level, and other basic identifying information, such as the location of the well and the timing of sampling and testing.

    For real estate transfers, laboratories have 5 days to send the testing and sampling results to the Department. Laboratories must submit results for any other testing covered under the Private Well Safety Act on an ongoing basis (at least quarterly).

    Under the Private Well Safety Act, the Department is required to report to the Maryland General Assembly, on or before January 1 every year, the following information:

    - The total number of water quality tests conducted under the program and the proportion that detected a substance that exceeds the Maximum Contaminant Level for that substance, categorized by county and census tract, or other identifying factors.

- ➢ The total number of water quality tests conducted within the previous 12–month period and the proportion that detected a substance that exceeds the Maximum Contaminant Level for that substance, categorized by county and census tract, or other identifying factors.
- ➢ The location of "hotspots" or other areas of known contamination. A hotspot means a census tract, or another identifying factor, where at least 50 percent of the water quality testing completed within the past 2 years detected a substance that exceeds the Maximum Contaminant Level for that substance.
- ➢ A description of the benefits realized and deficiencies addressed as a result of the program and recommendations for any appropriate legislative action; and
- ➢ The most commonly detected contaminants of concern, categorized by census tract, or by other identifying factors.

11. What type of verification is needed under the bill?

To receive financial assistance to test or remediate well water, a resident or household must prove income levels by submitting a copy of their most recent state income tax return, or an affidavit of:

(1) a filing of a household income exemption,
(2) a household income reduction; or
(3) the projected household income for the current year.

12. What factors may the Department consider in awarding grants to counties?

- ➢ The estimated proportion of covered households in the eligible county;
- ➢ The county's specific needs related to the costs of administering and implementing grants under the fund;
- ➢ The county's need to address public health concerns or specific contamination concerns; and
- ➢ Any other relevant factor, as determined by the Department.

13. What information will be housed in the private well water quality database?

To populate the private well water quality database, or portal, the Private Well Safety Act directs the Department to:

(1) receive the results of water quality testing from state-certified laboratories and the Maryland Geological Survey;

(2) upload Certificates of Potability, results of water quality testing, and other relevant information submitted to the Department related to private wells, on at least a quarterly basis; and
(3) provide public access to the information received under items (1) and (2) of this subsection in a manner that is easy to use and categorized by county.

On an ongoing basis, a county may submit to the Department records of Certificates of Potability and any results of water quality testing received voluntarily from residents.

HB 11 Matt Geckle Pre Cast FAV .pdf
Uploaded by: Mathew Geckle
Position: FAV

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HB 11 Private Well Safety Act of 2023

Education Health and Environmental Affairs
Mathew Geckle Back River Precast
February 1, 2023

Position: Favorable

It is urgent that Maryland do more to test and protect private wells. 45 states have better well testing and safety program than Maryland. This puts rural Maryland at unnecessary risk from illnesses.

I want to focus on one large threat to our private wells. Septic systems. Most homes on wells also have septics. EPA estimates that at least 10% of our current 450,000 systems are failing. I can also attest that over the last couple years my calls for failing systems have skyrocketed. The combination of aging systems, poor design, or bad installation added to increased heavy rains and more people home instead of at work and school has played havoc on septic systems function.

Of course, the problem from failing septic systems extend beyond household sewage bubbling up in yards or basements. These failing systems are putting untreated waste into the ground and therefore, putting drinking water at risk.

As we now know many people have no idea that they must test their wells regularly. Maryland is not educating well owners on testing or making it simple to test.

Passing HB 11 will provide the education, financial help to make it easier to find out if the home's drinking water is safe. Equally importantly it helps to fund solutions to any contamination. This bill is urgently needed to protect rural Maryland's heath and their investment in their homes.

We cannot simply pretend there is no problem because we are not testing for it. Almost every other state protects their residents better than Maryland.

I urge a favorable report.

HB0011-ET_MACo_SUP.pdf
Uploaded by: Sarah Sample
Position: FAV

House Bill 11

Private Well Safety Act of 2023

MACo Position: **SUPPORT**

To: Environment and Transportation Committee

Date: February 1, 2023

From: Sarah Sample

The Maryland Association of Counties (MACo) **SUPPORTS** HB 11. This bill would provide counties with additional resources through the Private Well Safety Program and Fund, to be Administered by the Maryland Department of the Environment. Provided appropriations are made to the fund, this would be a great opportunity for counties and eligible households to access the funds necessary to make vital repairs and upgrades to failing wells.

Unresolved well problems can lead to dangerous circumstances for residents relying on this water source. The potential for water contamination is very high if a well is left un-serviced or in a failing state. The costs of inspecting and repairing a failing well or installing, when necessary, a new well pose a substantial burden on a homeowner but may be essential to ensuring the safety and potability of the water servicing the household. The costs of repair or replacement of a failing well should not serve as a deterrent to proper testing, and HB 11 targets that conundrum.

This bill establishes a program that would allow the county to access funding to inspect, repair, and potentially upgrade private wells for households that fall below a certain income level. This would help counties ensure the safety of water for individuals and families that do not have the means to do so themselves.

The eligibility requirements for counties to qualify for the funding are also quite reasonable. Additionally, in counties that waive their eligibility, the funding outlined in this bill is flexible enough to go directly to an eligible household in need, even if their county does not engage to manage its own program.

Overall, this bill helps alleviate a financial barrier for individuals and households to ensure the safety of their drinking water while also enabling the county to assist with this important effort, empowering local governments to do more in providing a safe and healthy environment for residents. For this reason, MACo **SUPPORTS** HB 11 and urges a **FAVORABLE** report.

HB 11 FAV Del Stewart.pdf
Uploaded by: Vaughn Stewart
Position: FAV

Vaughn Stewart
Legislative District 19
Montgomery County

Environment and Transportation Committee

Subcommittees

Environment

Land Use and Ethics

The Maryland House of Delegates
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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Testimony in Support of HB11
The Private Well Safety Act of 2023
Testimony by Delegate Vaughn Stewart
February 1st, 2023 • Environment & Transportation Committee

What The Bill Does:

The Private Well Safety Act will provide roughly 830,000 Marylanders who get their drinking water from a private well with the necessary resources and information to monitor and safeguard their household drinking water. First, the bill requires the Department of the Environment to provide eligible residents with financial assistance to cover the costs of well testing and remediation. Second, the bill requires MDE to create an online database of well water test results, populated by county health departments and state-certified labs. Third, the bill requires water quality testing during the sale of a home with a well.

The history of this bill goes back to the 2020 session, when it was brought to me by a group of advocates concerned about the levels of toxic chemicals they found in private well water in Southern Maryland. During the 2021 interim, my office convened a workgroup of stakeholders to discuss the details and find a solution that worked for everyone. The group included representatives from the Maryland Department of the Environment, the Center for Progressive Reform, Clean Water Action, SERCAP, MACo, Maryland Septics Stakeholders, Waterkeepers Chesapeake, and more. Last session, this bill nearly passed. We got as far as second reader in the Senate before we ran out of time on Sine Die. This bill before you today is the same bill passed out of this committee, and the House last session, with the addition of the amendment proposed by the Senate.

Why The Bill is Important:

One million Marylanders rely on private wells for their drinking water, but water quality protections are few and far between. In fact, according to a 2020 report from the Center for Progressive Reform, our state offers fewer protections for private wells than almost any other state. While Maryland does require new wells to meet certain safety thresholds, this policy is insufficient because the quality of well water can degrade over time. In addition, the protections of the Safe Drinking Water Act, the primary federal statute governing the health of the nation's drinking water, do not extend to private drinking wells and smaller community-based systems.

Maryland is, simply put, behind. Unlike at least 22 states, Maryland does not offer free or low-cost test kits. Unlike at least 12 states, Maryland does not require testing of private wells during a property transfer. And unlike at least 40 states, Maryland does not maintain a public database with information about the health of private wells. And until last year, landlords were not required to test wells and provide renters with water testing results. Maryland well owners are expected to take the safety of their drinking water into their own hands, but many believe their well water is safe to drink, do not know they should test annually, or cannot afford the cost of testing.

The most worrying contaminant in private wells is nitrates, which often pollute groundwater due to the overapplication of fertilizer or manure. Since they are odorless, colorless and tasteless, nitrates often go unnoticed. High nitrate levels in drinking water are linked to a condition fatal to infants called blue baby syndrome. They are also associated with cancer and pregnancy complications.

Why the Committee Should Vote Favorably:

Maryland's hands-off approach to private wells hurts working-class Marylanders and Marylanders of color the most. The areas of the state most vulnerable to nitrate contamination are more impoverished than the state average. Safe drinking water is a human right, and we must ensure all Marylanders have access to it. This program would be a modest, but important step in that direction.

I urge a favorable report.

HB 11_realtors_fav.pdf
Uploaded by: William Castelli
Position: FAV

House Bill 11 –Private Well Safety Act 2023

Position: Support

Maryland REALTORS® supports efforts to ensure clean and safe drinking water for Maryland residents served by private wells. HB 11 affects approximately one third of all Maryland residential real property transactions, and the REALTORS® supported the bill with amendments last year. Those amendments are included in HB 11.

Last year's changes included a provision allowing the buyer to waive the proposed test. A waiver would address situations: where a property is sold "as is;" where timeliness is important for a transaction; and where certain mortgages like FHA already require a test that may not be the same as the test required by the bill.

Additionally, the bill was changed to require the buyer to order and purchase the test. In fact, most federally insured mortgages such as the FHA and VA place the responsibility on the buyer and will not accept tests performed by other parties prior to the sale of the property. If the seller was required to order the test, and the mortgage was FHA insured, the bill may result in two tests being ordered – one by the seller and the one by the buyer.

Finally, a similar law passed in New Jersey specifies that water well tests remain valid for 5 years. Initially, the legislation stated the test results were only valid for 6 months. This language was changed to 3 years under the amendments last year to conform the bill to the current Maryland standards for rental well tests.

With these changes, the Maryland REALTORS® support HB 11 and believe it will provide protection to homeowners just as the current well-testing law on rental property provides for tenants.

For more information contact lisa.may@mdrealtor.org or christa.mcgee@mdrealtor.org

HB 11 MDE LOI.pdf
Uploaded by: Tyler Abbott
Position: INFO

February 1, 2022

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

Re: House Bill 11 – Private Well Safety Act of 2023

Dear Chair Barve and Members of the Committee:

The Maryland Department of the Environment (MDE or the Department) has reviewed HB 11, entitled *Private Well Safety Act of 2023* and would like to share some information regarding this legislation.

HB 11 would require MDE to expand the existing Private Well Safety Program and set up a Private Well Safety Fund to make grants to households available to help cover the costs of well testing and well remediation. Additionally, HB 11 requires records of certificates of potability and water quality testing results to be uploaded to a portal accessible by the public. Finally, HB 11 requires MDE to annually report to the General Assembly the information and data collected pursuant to the Program.

While the purpose is consistent with MDE's mission, the bill as proposed would have a significant fiscal impact for the Department. MDE would need to create a new program, which has not been accounted for in the proposed budget. Given the significant constraints within the Department, existing staff can not absorb the workload associated with this legislation. It would cost the Department approximately $500,000 to create and maintain a new program, hire and train staff, and develop the publicly accessible portal. Additionally, money would have to be allocated for the grant fund, which also has not been accounted for in the budget. The Department has no way of estimating how many individuals would apply for a grant to test their well, or how many wells would need to be remediated if contaminants were found.

Additionally, during the review of the legislation, the Department noted a couple technical concerns with the language. However, MDE is willing to work with the sponsor to address these issues. The Department would like to note the following concerns:

- "Contaminant of concern" is referred to several times; however, the term is not defined. Also, there is no definition for this term in the Environment Article.
- A well may test positive for a contaminant but it is not indicative of a problem that needs to be remediated. When a new well is drilled, several contractors may be involved installing different components and this may introduce "contaminants." After a well is drilled, it should be treated and given time to settle before it is tested. If it is tested too soon, there may be a

positive test result for a contaminant. The same situation may occur in a household that is vacant for a period of time before being sold. If the lines are not properly flushed before testing, it could lead to a positive test result. Both of these situations are easily rectified without "remediation." Under this bill, both of these test results would be entered into the publicly available portal and could give the false impression that there is a contamination issue with water in that area.

- The bill requires the creation of a public database that includes certificates of potability, water quality test results, and other information. This required reporting would make public the location of wells, in some cases, specifically by address (presumably the address of a person's home). No provision is made for shielding or redacting the names of individuals or the location of the well, which again, is likely someone's home. New Jersey has had a Private Well Testing Act since 2001, which offers similar protections to owners, buyers, and tenants, but maintains confidentiality of individual well records.
- There is no specification in the bill to where the application fees should be deposited. If the statute fails to mention where the fees go, they will automatically be deposited in the General Fund, not the Private Well Safety Fund.

The Department agrees that enhancements could be made to provide for more robust testing of private wells in the State. The Department has broad statutory authority to protect drinking water and would be willing to work with the sponsor and other interested parties on some changes to the existing private well regulations over the interim.

Thank you for considering the Department's information regarding this legislation. We will continue to monitor House Bill 11 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-453-3235 or by e-mail at Gabrielle.Leach@maryland.gov.

Sincerely,

Gabrielle Leach

Gabrielle Leach
Deputy Director
Legislative and Intergovernmental Affairs