

# HOUSE BILL 250

M3, N1

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By: ~~Delegate Stewart~~ **Delegates Stewart, Boyce, Foley, Fraser-Hidalgo, Lehman, Ruth, and Terrasa**

Introduced and read first time: January 13, 2022

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 23, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Private Well Safety Act of 2022**

3 FOR the purpose of establishing the Private Well Safety Program in the Department of the  
4 Environment to address and manage the contamination of certain private and  
5 domestic water supply wells in the State; establishing the Private Well Safety Fund  
6 to award grants to certain counties and households for costs associated with water  
7 quality testing and remediation; requiring the Department to utilize ~~a certain an~~ an  
8 online portal to receive and upload certain information and to provide public access  
9 to the information; requiring a State-certified laboratory that conducts water quality  
10 testing of certain wells to submit to the Department certain results of water quality  
11 testing in a certain manner; requiring a contract for the sale of real property on  
12 which a certain well is located to include a provision requiring, as a condition of the  
13 sale, that the purchaser ensure that certain water quality testing be conducted; and  
14 generally relating to private and domestic water supply wells in the State.

15 BY adding to

16 Article – Environment

17 Section 9-4A-01 to be under the new part “Part I. Definitions”; 9-4A-04 through  
18 9-4A-10 to be under the new part “Part II. Program and Fund”; and 9-4A-13  
19 to be under the new part “Part III. Private Well Water Quality Database”

20 Annotated Code of Maryland

21 (2014 Replacement Volume and 2021 Supplement)

22 BY repealing and reenacting, with amendments,

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Environment  
2 Section 9–4A–01 to be under the new part “Part IV. Residential Rental Property”  
3 Annotated Code of Maryland  
4 (2014 Replacement Volume and 2021 Supplement)

5 BY adding to  
6 Article – Real Property  
7 Section 10–713  
8 Annotated Code of Maryland  
9 (2015 Replacement Volume and 2021 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
11 That the Laws of Maryland read as follows:

12 **Article – Environment**

13 **PART I. DEFINITIONS.**

14 **9–4A–01.**

15 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
16 INDICATED.

17 (B) “CONTAMINATION” MEANS THAT WATER QUALITY TESTING FOR A  
18 COVERED HOUSEHOLD DEMONSTRATED THAT:

19 (1) A SUBSTANCE IS PRESENT THAT EXCEEDS THE LEGAL  
20 THRESHOLD LIMIT ON THE AMOUNT OF THE SUBSTANCE THAT IS ALLOWED IN A  
21 PUBLIC WATER SYSTEM UNDER THE FEDERAL SAFE DRINKING WATER ACT; OR

22 (2) THERE IS A HARMFUL LEVEL OF ANOTHER CONTAMINANT, AS  
23 DETERMINED BY THE DEPARTMENT.

24 (C) “COVERED HOUSEHOLD” MEANS ONE OR MORE INDIVIDUALS WHO  
25 RESIDE AT A PROPERTY THAT IS SERVED BY A PRIVATE WELL.

26 (D) “ELIGIBLE COUNTY” MEANS A COUNTY THAT:

27 (1) IS AWARDED A GRANT UNDER THE FUND FOR DISTRIBUTION TO  
28 COVERED HOUSEHOLDS TO ASSIST WITH THE COSTS OF WATER QUALITY TESTING  
29 AND REMEDIATION; AND

30 (2) MEETS THE ELIGIBILITY REQUIREMENTS ESTABLISHED UNDER §  
31 9–4A–08 OF THIS SUBTITLE.

1 (E) "FUND" MEANS THE PRIVATE WELL SAFETY FUND.

2 ~~(F) "HOTSPOT" MEANS A ZIP CODE WHERE AT LEAST 50% OF THE WATER~~  
 3 ~~QUALITY TESTING COMPLETED WITHIN THE PAST 2 YEARS DETECTED A SUBSTANCE~~  
 4 ~~THAT EXCEEDS THE MAXIMUM CONTAMINANT LEVEL FOR THAT SUBSTANCE.~~

5 ~~(G)~~ (F) "INELIGIBLE COUNTY" MEANS A COUNTY THAT HAS NOT BEEN  
 6 AWARDED A GRANT UNDER THE FUND.

7 ~~(H)~~ (G) "MAXIMUM CONTAMINANT LEVEL" MEANS A STANDARD THAT IS:

8 (1) SET BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY OR THE  
 9 DEPARTMENT FOR DRINKING WATER QUALITY; AND

10 (2) THE LEGAL THRESHOLD LIMIT ON THE AMOUNT OF A SUBSTANCE  
 11 THAT IS ALLOWED IN A PUBLIC WATER SYSTEM UNDER THE FEDERAL SAFE  
 12 DRINKING WATER ACT.

13 ~~(I)~~ (H) "PRIVATE WELL" MEANS A PRIVATE OR DOMESTIC WATER SUPPLY  
 14 WELL THAT IS A SOURCE OF POTABLE WATER.

15 ~~(J)~~ (I) "PROGRAM" MEANS THE PRIVATE WELL SAFETY PROGRAM.

16 ~~(K)~~ (J) "REMEDIATION" INCLUDES:

17 (1) THE DRILLING OF A NEW WELL; AND

18 (2) CONNECTION TO A PUBLIC WATER SUPPLY; ~~AND~~

19 ~~(3) PROVIDING ONGOING TREATMENT TO RESOLVE CONTAMINATION.~~

20 ~~(L)~~ (K) (1) "WATER QUALITY TESTING" MEANS WATER QUALITY  
 21 SAMPLING, TESTING, AND ANALYSIS:

22 (I) CONDUCTED BY A STATE-APPROVED WATER SAMPLER AND  
 23 A STATE-APPROVED LABORATORY FOR A PRIVATE WELL; AND

24 (II) OF WHICH THE MINIMUM SAMPLING IS LIMITED TO THE  
 25 SAME CRITERIA USED WHEN CERTIFYING A WELL FOR A NONPUBLIC POTABLE  
 26 WATER SUPPLY SYSTEM UNDER COMAR 26.04.04.30 CRITERIA INCLUDE BACTERIA,  
 27 NITRATE, AND TURBIDITY.

1           **(2) "WATER QUALITY TESTING" INCLUDES WATER QUALITY**  
2 **SAMPLING OF ANY CONTAMINANT OF CONCERN, AS DETERMINED BY THE**  
3 **DEPARTMENT.**

4 **9-4A-02. RESERVED.**

5 **9-4A-03. RESERVED.**

6                                   **PART II. PROGRAM AND FUND.**

7 **9-4A-04.**

8           **(A) THERE IS A PRIVATE WELL SAFETY PROGRAM IN THE DEPARTMENT.**

9           **(B) THE PURPOSE OF THE PROGRAM IS TO ADDRESS AND MANAGE THE**  
10 **CONTAMINATION OF PRIVATE WELLS IN THE STATE.**

11           **(C) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS**  
12 **SUBTITLE.**

13 **9-4A-05.**

14           **(A) THERE IS A PRIVATE WELL SAFETY FUND.**

15           **(B) THE PURPOSE OF THE FUND IS TO AWARD GRANTS TO ELIGIBLE**  
16 **COUNTIES AND COVERED HOUSEHOLDS IN INELIGIBLE COUNTIES FOR COSTS**  
17 **ASSOCIATED WITH WATER QUALITY TESTING AND REMEDIATION.**

18           **(C) THE SECRETARY SHALL ADMINISTER THE FUND.**

19           **(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**  
20 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

21                   **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**  
22 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

23           **(E) THE FUND CONSISTS OF:**

24                   **(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**  
25 **AND**

26                   **(2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR**  
27 **THE BENEFIT OF THE FUND.**

28           **(F) THE FUND MAY BE USED ONLY FOR AWARDED GRANTS TO:**

1           **(1) ELIGIBLE COUNTIES FOR DISTRIBUTION TO COVERED**  
2 **HOUSEHOLDS TO ASSIST WITH THE COSTS ASSOCIATED WITH WATER QUALITY**  
3 **TESTING AND REMEDIATION; AND**

4           **(2) COVERED HOUSEHOLDS LOCATED IN AN INELIGIBLE COUNTY TO**  
5 **ASSIST WITH THE COSTS ASSOCIATED WITH WATER QUALITY TESTING AND**  
6 **REMEDICATION.**

7 **9-4A-06.**

8           **(A) THE DEPARTMENT SHALL ESTABLISH A GRANT APPLICATION PROCESS**  
9 **FOR AWARDING A GRANT UNDER THE FUND IN ACCORDANCE WITH THIS SUBTITLE.**

10           **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**  
11 **DEPARTMENT MAY ESTABLISH A GRANT APPLICATION FEE.**

12                   **(2) (I) THE APPLICATION FEE FOR AN AWARD FOR WATER QUALITY**  
13 **TESTING MAY NOT EXCEED \$10; AND**

14                           **(II) THE APPLICATION FEE FOR AN AWARD FOR REMEDIATION**  
15 **MAY NOT EXCEED \$250.**

16           **(3) THE DEPARTMENT MAY WAIVE THE APPLICATION FEE ON A**  
17 **CASE-BY-CASE BASIS, BASED ON HOUSEHOLD INCOME.**

18           **(C) IN AN APPLICATION FOR A GRANT AWARD UNDER THE FUND, A**  
19 **COVERED HOUSEHOLD SHALL SUBMIT A COPY OF ITS MOST RECENT STATE INCOME**  
20 **TAX RETURN OR AN AFFIDAVIT OF:**

21                   **(1) A FILING OF A HOUSEHOLD INCOME EXEMPTION;**

22                   **(2) A HOUSEHOLD INCOME REDUCTION; OR**

23                   **(3) THE PROJECTED HOUSEHOLD INCOME FOR THE CURRENT YEAR.**

24 **9-4A-07.**

25           **THE DEPARTMENT SHALL:**

26                   **(1) PROVIDE NOTICE TO EACH COUNTY OF:**

27                           **(I) THE FUND; AND**

1                   **(II) THE GRANT APPLICATION PROCESS ESTABLISHED UNDER §**  
2 **9-4A-06 OF THIS SUBTITLE;**

3                   **(2) FOR THE PURPOSE OF INFORMING COVERED HOUSEHOLDS IN**  
4 **INELIGIBLE COUNTIES, PUBLISH ON ITS WEBSITE INFORMATION ON:**

5                   **(I) THE FUND; AND**

6                   **(II) THE GRANT APPLICATION PROCESS; AND**

7                   **(3) FOR THE PURPOSE OF INFORMING PRIVATE WELL OWNERS,**  
8 **PUBLISH ON ITS WEBSITE INFORMATION ON WATER QUALITY TESTING, INCLUDING:**

9                   **(I) RESOURCES FOR WATER QUALITY TESTING AND**  
10 **REMEDICATION;**

11                   **(II) CONTACT INFORMATION FOR LICENSED WELL DRILLERS,**  
12 **PUMP INSTALLERS, AND STATE-CERTIFIED WATER QUALITY TESTING**  
13 **LABORATORIES;**

14                   **(III) INFORMATION ON POTENTIAL CONTAMINANTS OF**  
15 **CONCERN IN THE STATE, BY REGION OR GROUNDWATER AQUIFER; AND**

16                   **(IV) INFORMATION ON THE IMPORTANCE OF ANNUAL TESTING.**

17 **9-4A-08.**

18                   **A COUNTY IS ELIGIBLE TO RECEIVE A GRANT AWARD IN ACCORDANCE WITH**  
19 **THIS SUBTITLE IF THE COUNTY AGREES TO ENGAGE IN OUTREACH ACTIVITIES:**

20                   **(1) TO EDUCATE COUNTY RESIDENTS ON THE EXISTENCE AND**  
21 **PURPOSE OF THE FUND AND ON THE IMPORTANCE OF ANNUALLY TESTING WELL**  
22 **WATER FOR CONTAMINANTS; AND**

23                   **(2) THAT, AT A MINIMUM, INCLUDE:**

24                   **(I) PUBLISHING INFORMATION ON THE COUNTY'S WEBSITE;**

25                   **(II) PROVIDING INFORMATION TO RESIDENTS OVER THE**  
26 **TELEPHONE WHEN A RESIDENT CALLS THE COUNTY ABOUT WATER QUALITY**  
27 **TESTING OR REMEDIATION OR THE PROGRAM; AND**

28                   **(III) SUBMITTING THE ANNUAL REPORT TO THE DEPARTMENT**  
29 **IN ACCORDANCE WITH § 9-4A-10 OF THIS SUBTITLE.**

1 **9-4A-09.**

2 (A) IN ACCORDANCE WITH THIS SUBTITLE, THE DEPARTMENT MAY AWARD  
3 A GRANT UNDER THE FUND TO:

4 (1) AN ELIGIBLE COUNTY FOR DISTRIBUTION TO COVERED  
5 HOUSEHOLDS TO ASSIST WITH THE COSTS ASSOCIATED WITH WATER QUALITY  
6 TESTING AND REMEDIATION; AND

7 (2) A COVERED HOUSEHOLD LOCATED IN AN INELIGIBLE COUNTY TO  
8 ASSIST WITH THE COSTS ASSOCIATED WITH WATER QUALITY TESTING AND  
9 REMEDIATION.

10 (B) IN AWARDING A GRANT TO AN ELIGIBLE COUNTY UNDER THIS SUBTITLE,  
11 THE DEPARTMENT MAY CONSIDER:

12 (1) THE ESTIMATED PROPORTION OF COVERED HOUSEHOLDS IN THE  
13 ELIGIBLE COUNTY;

14 (2) THE COUNTY'S SPECIFIC NEEDS RELATED TO THE COSTS OF  
15 ADMINISTERING AND IMPLEMENTING GRANTS UNDER THE FUND;

16 (3) THE COUNTY'S NEED TO ADDRESS PUBLIC HEALTH CONCERNS OR  
17 SPECIFIC CONTAMINATION CONCERNS; AND

18 (4) ANY OTHER RELEVANT FACTOR, AS DETERMINED BY THE  
19 DEPARTMENT.

20 (C) (1) THE DEPARTMENT OR AN ELIGIBLE COUNTY SHALL:

21 (I) BASE THE DOLLAR AMOUNT OF A GRANT AWARD FOR WATER  
22 QUALITY TESTING ON ~~SAMPLING~~:

23 1. SAMPLING PARAMETERS AND COSTS; AND

24 2. AN INCOME GUIDELINE SCALE ESTABLISHED BY THE  
25 DEPARTMENT; AND

26 (II) BASE THE DOLLAR AMOUNT OF A GRANT AWARD FOR  
27 REMEDIATION ON AN INCOME GUIDELINE SCALE ESTABLISHED BY THE  
28 DEPARTMENT.

29 (2) THE DEPARTMENT OR AN ELIGIBLE COUNTY MAY AWARD A GRANT  
30 FOR UP TO 100% OF THE COSTS ASSOCIATED WITH WATER QUALITY TESTING AND

1 REMEDIATION TO A COVERED HOUSEHOLD THAT CAN DEMONSTRATE HOUSEHOLD  
2 INCOME BELOW 50% OF THE STATE'S MEDIAN INCOME LEVEL.

3 (D) (1) THIS SUBSECTION APPLIES TO A GRANT AWARD FOR THE COSTS  
4 ASSOCIATED WITH REMEDIATION.

5 (2) ~~UNLESS A A COVERED HOUSEHOLD PROVIDES DOCUMENTATION~~  
6 ~~TO THE DEPARTMENT THAT PAYMENT HAS BEEN MADE TO A LICENSED WELL~~  
7 ~~DRILLER OR PUMP INSTALLER, THE DEPARTMENT OR AN ELIGIBLE COUNTY SHALL,~~  
8 ON SATISFACTORY COMPLETION OF THE REMEDIATION PROJECT, MAKE PAYMENT  
9 DIRECTLY TO THE LICENSED WELL DRILLER, WATER CONDITIONER INSTALLER, OR  
10 PUMP INSTALLER THAT HAS BEEN CONTRACTED TO PERFORM THE REMEDIATION  
11 PROJECT.

12 (E) THE DEPARTMENT OR AN ELIGIBLE COUNTY MAY NOT AWARD A GRANT  
13 UNDER THE FUND FOR COSTS ASSOCIATED WITH:

14 (1) ANY WORK OR TESTING CONDUCTED BEFORE THE GRANT AWARD  
15 WAS APPROVED BY THE DEPARTMENT OR ELIGIBLE COUNTY;

16 (2) WELLS SERVING COMMERCIAL ESTABLISHMENTS;

17 (3) PRIVATE WELLS THAT DO NOT MEET THE ESTABLISHED  
18 CONTAMINATION CRITERIA;

19 (4) DUG WELLS; AND

20 (5) POINT-DRIVEN WELLS.

21 (F) A COVERED HOUSEHOLD MAY NOT RECEIVE A GRANT AWARD UNDER  
22 THIS SECTION MORE THAN TWICE A YEAR, INCLUDING ONE GRANT AWARD FOR  
23 WATER QUALITY TESTING AND ONE GRANT AWARD FOR REMEDIATION.

24 (G) THE DEPARTMENT SHALL ~~DEVELOP~~ ADOPT REGULATIONS TO IDENTIFY  
25 A LIST OF ADDITIONAL STANDARDS FOR WATER QUALITY TESTING THAT THE  
26 DEPARTMENT DEEMS NECESSARY FOR EACH COUNTY OR ANY SPECIFIC AREA  
27 WITHIN A COUNTY, INCLUDING REQUIRING, AS APPROPRIATE, TESTING FOR:

28 (1) MANGANESE;

29 (2) ARSENIC;

30 (3) RADON;



1 (4) MERCURY; AND

2 (5) ALL VOLATILE ORGANIC COMPOUNDS FOR WHICH THERE IS A  
3 MAXIMUM CONTAMINANT LEVEL.

4 9-4A-10.

5 (A) ON OR BEFORE SEPTEMBER 1 EACH YEAR, A COUNTY THAT RECEIVED A  
6 GRANT AWARD IN ACCORDANCE WITH THIS SUBTITLE SHALL SUBMIT TO THE  
7 DEPARTMENT A REPORT THAT INCLUDES, FOR THE IMMEDIATELY PRECEDING  
8 FISCAL YEAR:

9 (1) THE LOCATIONS OF COVERED HOUSEHOLDS THAT RECEIVED A  
10 GRANT AWARD;

11 (2) THE DOLLAR AMOUNT AWARDED TO EACH HOUSEHOLD,  
12 CATEGORIZED BY FUNDING FOR WATER QUALITY TESTING AND REMEDIATION;

13 (3) THE TOTAL NUMBER OF WATER QUALITY TESTS CONDUCTED  
14 UNDER THE PROGRAM AND THE PROPORTION THAT DETECTED A SUBSTANCE THAT  
15 EXCEEDS THE MAXIMUM CONTAMINANT LEVEL FOR THAT SUBSTANCE,  
16 CATEGORIZED BY ~~ZIP CODE~~ CENSUS TRACT OR OTHER IDENTIFYING FACTORS;

17 (4) THE NUMBER OF WATER QUALITY TESTS CONDUCTED WITHIN THE  
18 PREVIOUS 12-MONTH PERIOD AND THE PROPORTION THAT DETECTED A  
19 SUBSTANCE THAT EXCEEDS THE MAXIMUM CONTAMINANT LEVEL FOR THAT  
20 SUBSTANCE, CATEGORIZED BY ~~ZIP CODE~~ CENSUS TRACT OR OTHER IDENTIFYING  
21 FACTORS;

22 (5) THE LOCATION OF AREAS OF POTENTIAL CONCERN, ~~INCLUDING~~  
23 ~~THE LOCATION OF HOTSPOTS~~;

24 (6) THE MOST COMMONLY DETECTED CONTAMINANTS OF CONCERN,  
25 CATEGORIZED BY ~~ZIP CODE~~ CENSUS TRACT OR OTHER IDENTIFYING FACTORS; ~~AND~~

26 (7) ANY OTHER INFORMATION TO FURTHER EXPLAIN OR QUALIFY  
27 THE INFORMATION INCLUDED IN THE REPORT; AND

28 ~~(7)~~ (8) ANY OTHER INFORMATION REQUIRED BY THE  
29 DEPARTMENT.

30 (B) ON OR BEFORE JANUARY 1 EACH YEAR, THE DEPARTMENT SHALL  
31 REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE  
32 STATE GOVERNMENT ARTICLE, ON:

1 (1) THE TOTAL NUMBER OF WATER QUALITY TESTS CONDUCTED  
2 UNDER THE PROGRAM AND THE PROPORTION THAT DETECTED A SUBSTANCE THAT  
3 EXCEEDS THE MAXIMUM CONTAMINANT LEVEL FOR THAT SUBSTANCE,  
4 CATEGORIZED BY COUNTY AND ~~ZIP-CODE~~ CENSUS TRACT OR OTHER IDENTIFYING  
5 FACTORS;

6 (2) THE NUMBER OF WATER QUALITY TESTS CONDUCTED WITHIN THE  
7 PREVIOUS 12-MONTH PERIOD AND THE PROPORTION THAT DETECTED A  
8 SUBSTANCE THAT EXCEEDS THE MAXIMUM CONTAMINANT LEVEL FOR THAT  
9 SUBSTANCE, CATEGORIZED BY COUNTY AND ~~ZIP-CODE~~ CENSUS TRACT OR OTHER  
10 IDENTIFYING FACTORS;

11 (3) THE LOCATION OF ~~POTENTIAL HOTSPOTS OR OTHER~~ AREAS OF  
12 KNOWN CONTAMINATION;

13 (4) A DESCRIPTION OF THE BENEFITS REALIZED AND DEFICIENCIES  
14 ADDRESSED AS A RESULT OF THE PROGRAM AND RECOMMENDATIONS FOR ANY  
15 APPROPRIATE LEGISLATIVE ACTION; AND

16 (5) THE MOST COMMONLY DETECTED CONTAMINANTS OF CONCERN,  
17 CATEGORIZED BY ~~ZIP-CODE~~ CENSUS TRACT OR OTHER IDENTIFYING FACTORS.

18 9-4A-11. RESERVED.

19 9-4A-12. RESERVED.

20 PART III. PRIVATE WELL WATER QUALITY DATABASE.

21 9-4A-13.

22 (A) THE DEPARTMENT SHALL UTILIZE AN ~~EXISTING~~ ONLINE PORTAL:

23 (1) TO RECEIVE THE RESULTS OF WATER QUALITY TESTING FROM  
24 STATE-CERTIFIED LABORATORIES AND THE MARYLAND GEOLOGICAL SURVEY;

25 (2) TO UPLOAD CERTIFICATES OF POTABILITY AS REQUIRED UNDER  
26 COMAR 26.04.04.30, RESULTS OF WATER QUALITY TESTING, AND OTHER  
27 RELEVANT INFORMATION SUBMITTED TO THE DEPARTMENT RELATED TO PRIVATE  
28 WELLS, ON AT LEAST A QUARTERLY BASIS; AND

29 (3) TO PROVIDE PUBLIC ACCESS TO THE INFORMATION RECEIVED  
30 UNDER ITEMS (1) AND (2) OF THIS SUBSECTION IN A MANNER THAT IS EASY TO USE  
31 AND CATEGORIZED BY COUNTY.

1 (B) ON AN ONGOING BASIS, A COUNTY MAY SUBMIT TO THE DEPARTMENT  
2 RECORDS OF CERTIFICATES OF POTABILITY, AS REQUIRED UNDER COMAR  
3 26.04.04.30, AND ANY RESULTS OF WATER QUALITY TESTING RECEIVED  
4 VOLUNTARILY FROM RESIDENTS.

5 (C) ON A QUARTERLY BASIS, A STATE-CERTIFIED LABORATORY THAT  
6 CONDUCTS WATER QUALITY TESTING OF PRIVATE WELLS FOR THE PURPOSE OF  
7 IMPLEMENTING THIS SUBTITLE SHALL SUBMIT TO THE DEPARTMENT THE RESULTS  
8 OF EACH WATER QUALITY TEST CONDUCTED BY THE LABORATORY IN A MANNER  
9 DETERMINED BY THE DEPARTMENT.

10 9-4A-14. RESERVED.

11 9-4A-15. RESERVED.

12 PART IV. RESIDENTIAL RENTAL PROPERTY.

13 [9-4A-01.] 9-4A-16.

14 (a) An owner of residential rental property that is served by a private [water  
15 supply] well shall:

16 (1) Provide for water quality testing every 3 years;

17 (2) Disclose to a tenant the results of the water quality testing; and

18 (3) Notify a tenant:

19 (i) After any water quality test required under item (1) of this  
20 subsection is complete; and

21 (ii) Of the most recent water quality test when they sign a lease.

22 (b) (1) The requirements of this subsection apply when a private [water  
23 supply] well is contaminated by a substance that exceeds:

24 (i) The maximum contaminant level for that substance that is set  
25 by the U.S. Environmental Protection Agency for drinking water quality; or

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

28 (2) When a water quality test reveals a private [water supply] well is  
29 contaminated, the owner of a residential rental property that is served by the well shall:

1 (i) Notify the Department and the local health department about  
2 the contamination;

3 (ii) Provide an approved potable water supply until the  
4 contamination is permanently remediated; and

5 (iii) Within 60 days of the date on which the owner knew of the  
6 contamination, resolve the issue, including by:

7 1. Providing an approved potable water supply on an ongoing  
8 basis;

9 2. Permanently remediating the contamination; or

10 3. Providing the tenant with the option to terminate the  
11 lease.

12 (c) (1) A person who violates a provision of this section is subject to a civil  
13 penalty not exceeding \$1,000.

14 (2) A local health department may:

15 (i) Enforce this section; and

16 (ii) Collect the civil penalty provided under paragraph (1) of this  
17 subsection.

18 (d) The Department shall adopt regulations to establish minimum criteria for  
19 water quality testing required under this section.

## 20 Article – Real Property

21 **10-713.**

22 (A) IN THIS SECTION, “MAXIMUM CONTAMINANT LEVEL” AND “WATER  
23 QUALITY TESTING” HAVE THE MEANINGS STATED IN § 9-4A-01 OF THE  
24 ENVIRONMENT ARTICLE.

25 (B) (1) A CONTRACT FOR THE SALE OF REAL PROPERTY ON WHICH A  
26 PRIVATE OR DOMESTIC WATER SUPPLY WELL IS LOCATED SHALL INCLUDE A  
27 PROVISION REQUIRING, AS A CONDITION OF THE SALE, THAT THE PURCHASER  
28 ENSURE THAT WATER QUALITY TESTING OF THE WELL BE CONDUCTED.

29 (2) (I) SETTLEMENT ON THE CONTRACT FOR THE SALE OF THE  
30 REAL PROPERTY MAY NOT OCCUR UNTIL THE VENDOR AND THE PURCHASER HAVE

1 EACH RECEIVED AND REVIEWED THE RESULTS OF THE WATER QUALITY TESTING  
2 CONDUCTED UNDER THIS SUBSECTION.

3 (II) AT SETTLEMENT ON THE CONTRACT FOR THE SALE OF THE  
4 REAL PROPERTY, THE VENDOR AND THE PURCHASER SHALL EACH CERTIFY IN  
5 WRITING THAT THEY HAVE RECEIVED AND REVIEWED THE RESULTS OF THE WATER  
6 QUALITY TESTING.

7 (3) FOR THE PURPOSE OF THIS SUBSECTION, THE RESULTS OF THE  
8 WATER QUALITY TESTING REMAIN VALID FOR ~~6 MONTHS~~ 3 YEARS.

9 (4) A PURCHASER MAY WAIVE IN WRITING THE WATER QUALITY  
10 TESTING REQUIREMENTS UNDER THIS SUBSECTION.

11 (C) (1) THIS SUBSECTION APPLIES TO A STATE-CERTIFIED LABORATORY  
12 THAT CONDUCTS WATER QUALITY TESTING FOR THE PURPOSE OF COMPLYING WITH  
13 THIS SECTION.

14 (2) A STATE-CERTIFIED LABORATORY SHALL PROVIDE THE RESULTS  
15 OF A WATER QUALITY TEST ON A STANDARDIZED REPORTING FORM, AS REQUIRED  
16 BY THE DEPARTMENT OF THE ENVIRONMENT, THAT INCLUDES:

17 (I) A REPORT ON ANY SUBSTANCE THAT EXCEEDS:

18 1. THE MAXIMUM CONTAMINANT LEVEL FOR THAT  
19 SUBSTANCE; OR

20 2. A HARMFUL LEVEL FOR THAT SUBSTANCE, AS  
21 DETERMINED BY THE DEPARTMENT OF THE ENVIRONMENT; AND

22 (II) INFORMATION ON THE PRIVATE WELL SAFETY FUND  
23 ESTABLISHED UNDER § 9-4A-05 OF THE ENVIRONMENT ARTICLE, INCLUDING THE  
24 WEBSITE OF THE DEPARTMENT OF THE ENVIRONMENT ON WHICH INFORMATION ON  
25 THE FUND IS POSTED.

26 (3) A STATE-CERTIFIED LABORATORY MAY PROVIDE THE RESULTS  
27 OF WATER QUALITY TESTING ONLY TO:

28 (I) 1. THE VENDOR AND PURCHASER OF REAL PROPERTY  
29 FOR WHICH THE WATER QUALITY TESTING WAS CONDUCTED; AND

30 2. ANY PERSON AUTHORIZED BY THE VENDOR OR  
31 PURCHASER;

1 (II) THE DEPARTMENT OF THE ENVIRONMENT IN ACCORDANCE  
2 WITH PARAGRAPH (4) OF THIS SUBSECTION; AND

3 (III) ANY PERSON DESIGNATED BY A COURT ORDER.

4 (4) WITHIN 5 BUSINESS DAYS AFTER COMPLETION OF WATER  
5 QUALITY TESTING, A STATE-CERTIFIED LABORATORY SHALL SUBMIT TO THE  
6 DEPARTMENT OF THE ENVIRONMENT THE RESULTS OF WATER QUALITY TESTING  
7 AND INCLUDE THE FOLLOWING INFORMATION:

8 (I) A STATEMENT THAT THE WATER QUALITY TESTING IS FOR  
9 THE PURPOSE OF COMPLYING WITH THIS SECTION;

10 (II) THE LOCATION OF THE REAL PROPERTY, DESCRIBED BY  
11 BLOCK AND LOT NUMBER, STREET ADDRESS, COUNTY, AND, IF APPLICABLE,  
12 MUNICIPALITY;

13 (III) THE NAME AND MAILING ADDRESS OF THE PERSON THAT  
14 REQUESTED THE WATER QUALITY TESTING;

15 (IV) THE NAME OF THE EMPLOYEE OR AN AUTHORIZED  
16 REPRESENTATIVE OF THE LABORATORY WHO COLLECTED THE WELL SAMPLE;

17 (V) THE DATE AND TIME THAT THE WATER SAMPLE WAS  
18 COLLECTED AND THE SPECIFIC POINT OF COLLECTION;

19 (VI) THE DATE AND TIME THE SAMPLE WAS ANALYZED BY THE  
20 LABORATORY; ~~AND~~

21 (VII) WHETHER THE WATER SAMPLE IS RAW WATER OR FINISHED  
22 WATER;

23 (VIII) THE WELL TAG NUMBER, IF KNOWN; AND

24 ~~(VII)~~ (IX) ANY OTHER INFORMATION REQUIRED BY THE  
25 DEPARTMENT OF THE ENVIRONMENT.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, ~~2022~~ 2024.