

SENATE BILL 438

M3

EMERGENCY BILL

5lr0505
CF 5lr0734

By: **Senator Middleton**

Introduced and read first time: February 6, 2015

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Well Drilling – Notice to Municipalities**

3 FOR the purpose of repealing the requirement that a well driller, when applying for a
4 permit to drill a well, notify a municipality under certain circumstances; requiring
5 the Department of the Environment to notify a municipality of an application for a
6 permit to drill a well under certain circumstances; making this Act an emergency
7 measure; and generally relating to permits to drill a well.

8 BY repealing and reenacting, with amendments,

9 Article – Environment

10 Section 9–1307

11 Annotated Code of Maryland

12 (2014 Replacement Volume)

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

15 **Article – Environment**

16 9–1307.

17 (a) In applying for a permit to drill a well, the well driller shall[;

18 (1) Give] **GIVE** the Department any information the Department requires[;
19 and].

20 [(2)] **(B)** [Notify] **THE DEPARTMENT SHALL NOTIFY** a municipality **OF**
21 **AN APPLICATION FOR A PERMIT TO DRILL A WELL** if the well will be drilled inside the
22 municipality's corporate boundary line or if the well will be drilled 1 mile or less outside
23 the municipality's corporate boundary line.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **[(b)] (C)** As a condition to issuing a permit to drill a well, the Department may
2 require that samples of the materials encountered in drilling the well be preserved and
3 submitted to the Department.

4 **[(c)] (D)** (1) (i) A county board of health may establish a permit fee to
5 defray county expenses in inspecting wells, collecting water samples, and issuing
6 certificates of potability.

7 (ii) For an interim certificate of potability, a county board of health
8 shall accept initial test results prepared by a private State certified laboratory.

9 (2) (i) The fee may be charged before a permit required under § 9–1306
10 of this subtitle is issued.

11 (ii) Except as provided in subparagraph (iii) of this paragraph, the
12 fee may not exceed \$160 per well or \$160 per cluster of wells to be used exclusively to
13 transfer heat to or from the ground or groundwater.

14 (iii) In Anne Arundel County only:

15 1. Subject to item 2 of this subparagraph, the fee charged
16 shall be set so as to produce funds to reflect the actual cost of inspecting wells, collecting
17 water samples, and issuing certificates of potability by the Anne Arundel County Board of
18 Health; and

19 2. For a well drilled to replace an existing well the fee
20 charged shall be no more than 50% of the fee as calculated under item 1 of this
21 subparagraph.

22 (3) A permit shall be issued within a reasonable period of time after receipt
23 of the application and shall be valid for a period of 12 months from the date of issuance by
24 the approved delegated permitting authority.

25 **[(d)] (E)** A county board of health may waive a fee for a well that is drilled to
26 replace a well not in conformity with the regulations adopted under § 9–1305 of this
27 subtitle.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
29 measure, is necessary for the immediate preservation of the public health or safety, has
30 been passed by a yea and nay vote supported by three–fifths of all the members elected to
31 each of the two Houses of the General Assembly, and shall take effect from the date it is
32 enacted.