

Chapter 586

(Senate Bill 483)

AN ACT concerning

Private Well Safety Act of 2023

FOR the purpose of ~~establishing the Private Well Safety Program in~~ *requiring* the Department of the Environment to ~~manage and, subject to the availability of certain funding, address the contamination of certain private and domestic water supply wells in the State; establishing the Private Well Safety Fund to award grants to certain counties and households for costs associated with water quality testing and remediation~~ *adopt regulations on or before a certain date to identify additional standards for water quality testing*; requiring the Department of the Environment, *subject to certain funding and in consultation with the Department of Information Technology,* to utilize an online portal to receive and upload certain information, *and* ~~and~~ to provide public access to the information, ~~to share certain information consistently with the Maryland Department of Health and local health departments, and to encourage the Maryland Department of Health and local health departments to share certain information to the online portal;~~ requiring a State-certified laboratory that conducts water quality testing of certain wells to submit to the Department of the Environment certain results of water quality testing in a certain manner; *requiring the Department of the Environment to share certain information consistently with the Maryland Department of Health and local health departments and to encourage the Maryland Department of Health and local health departments to share certain information to the online portal;* requiring a contract for the sale of real property on which a certain well is located to include a provision requiring, as a condition of the sale, that the purchaser ensure that certain water quality testing be conducted; and generally relating to private and domestic water supply wells in the State.

BY adding to

Article – Environment

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

Section 9-4A-01 through 9-4A-03

Annotated Code of Maryland

(2014 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

~~Section 9-4A-01 to be under the new part “Part IV. Residential Rental Property”~~*Section 9-4A-01*

Annotated Code of Maryland

(2014 Replacement Volume and 2022 Supplement)

BY adding to

Article – Real Property

Section 10–713

Annotated Code of Maryland

(2015 Replacement Volume and 2022 Supplement)

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

Article – Environment

~~**PART I. DEFINITIONS.**~~

9–4A–01.

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

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

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

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

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

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

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

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

~~(E) “FUND” MEANS THE PRIVATE WELL SAFETY FUND.~~

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

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

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

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

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

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

~~(J) "REMEDATION" INCLUDES:~~

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

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

~~(3) THE USE OF COMMON WATER TREATMENT TECHNOLOGY, SUCH AS A WHOLE HOUSE WELL WATER FILTRATION SYSTEM.~~

~~(K)~~ (D) (1) "WATER QUALITY TESTING" MEANS WATER QUALITY SAMPLING, TESTING, AND ANALYSIS:

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

(II) OF WHICH THE MINIMUM SAMPLING CRITERIA INCLUDE BACTERIA, NITRATE, AND TURBIDITY.

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

~~9-4A-02. RESERVED.~~

~~9-4A-03. RESERVED.~~

~~PART II. PROGRAM AND FUND.~~

~~9-4A-04 9-4A-02.~~

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

~~(B) THE PURPOSE OF THE PROGRAM IS TO MANAGE AND, SUBJECT TO THE AVAILABILITY OF FUNDING IN THE FUND, ADDRESS THE CONTAMINATION OF PRIVATE WELLS IN THE STATE.~~

~~(C) THE DEPARTMENT MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.~~

~~9-4A-05.~~

~~(A) THERE IS A PRIVATE WELL SAFETY FUND.~~

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

~~(C) THE SECRETARY SHALL ADMINISTER THE FUND.~~

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

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

~~(E) THE FUND CONSISTS OF:~~

~~(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;~~
AND

~~(2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.~~

~~(F) THE FUND MAY BE USED ONLY FOR AWARDED GRANTS:~~

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

~~(2) TO COVERED HOUSEHOLDS LOCATED IN AN INELIGIBLE COUNTY TO ASSIST WITH THE COSTS ASSOCIATED WITH WATER QUALITY TESTING AND REMEDIATION.~~

~~9-4A-06.~~

~~(A) THE DEPARTMENT SHALL ESTABLISH A GRANT APPLICATION PROCESS FOR AWARDED A GRANT UNDER THE FUND IN ACCORDANCE WITH THIS SUBTITLE.~~

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

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

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

~~(3) THE DEPARTMENT MAY WAIVE THE APPLICATION FEE ON A CASE BY CASE BASIS, BASED ON HOUSEHOLD INCOME.~~

~~(C) IN AN APPLICATION FOR A GRANT AWARD UNDER THE FUND, A COVERED HOUSEHOLD SHALL SUBMIT A COPY OF ITS 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.~~

~~9-4A-07.~~

~~THE DEPARTMENT SHALL:~~

~~(1) PROVIDE NOTICE TO EACH COUNTY OF:~~

~~(I) THE FUND; AND~~

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

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

~~(I) THE FUND; AND~~

~~(II) THE GRANT APPLICATION PROCESS; AND~~

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

~~(I) RESOURCES FOR WATER QUALITY TESTING AND REMEDIATION;~~

~~(II) CONTACT INFORMATION FOR LICENSED WELL DRILLERS, PUMP INSTALLERS, AND STATE CERTIFIED WATER QUALITY TESTING LABORATORIES;~~

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

~~(IV) INFORMATION ON THE IMPORTANCE OF ANNUAL TESTING.~~

~~9-4A-08.~~

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

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

~~(2) THAT, AT A MINIMUM, INCLUDE:~~

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

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

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

~~9-4A-09.~~

~~(A) IN ACCORDANCE WITH THIS SUBTITLE, AND SUBJECT TO THE AVAILABILITY OF FUNDING IN THE FUND, THE DEPARTMENT MAY AWARD A GRANT UNDER THE FUND TO:~~

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

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

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

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

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

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

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

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

~~(i) BASE THE DOLLAR AMOUNT OF A GRANT AWARD FOR WATER QUALITY TESTING ON:~~

~~1. SAMPLING PARAMETERS AND COSTS; AND~~

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

~~(ii) BASE THE DOLLAR AMOUNT OF A GRANT AWARD FOR REMEDIATION ON AN INCOME GUIDELINE SCALE ESTABLISHED BY THE DEPARTMENT.~~

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

~~REMEDICATION TO A COVERED HOUSEHOLD THAT CAN DEMONSTRATE HOUSEHOLD INCOME BELOW 50% OF THE STATE'S MEDIAN INCOME LEVEL.~~

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

~~(2) A COVERED HOUSEHOLD SHALL, ON SATISFACTORY COMPLETION OF THE REMEDIATION PROJECT, MAKE PAYMENT DIRECTLY TO THE LICENSED WELL DRILLER, WATER CONDITIONER INSTALLER, OR PUMP INSTALLER THAT HAS BEEN CONTRACTED TO PERFORM THE REMEDIATION PROJECT.~~

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

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

~~(2) WELLS SERVING COMMERCIAL ESTABLISHMENTS;~~

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

~~(4) DUG WELLS; AND~~

~~(5) POINT DRIVEN WELLS.~~

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

~~(G) (A) THE ON OR BEFORE DECEMBER 31, 2026, THE DEPARTMENT SHALL ADOPT REGULATIONS TO IDENTIFY A LIST OF ADDITIONAL STANDARDS FOR WATER QUALITY TESTING THAT THE DEPARTMENT DEEMS NECESSARY FOR EACH COUNTY OR ANY SPECIFIC AREA WITHIN A COUNTY.~~

~~(B) INCLUDING REQUIRING REGULATIONS ADOPTED IN ACCORDANCE WITH THIS SECTION MAY REQUIRE, AS APPROPRIATE, TESTING FOR:~~

~~(1) MANGANESE;~~

~~(2) ARSENIC;~~

~~(3) RADON;~~

(4) MERCURY; AND

(5) ~~ALL~~ *OTHER* VOLATILE ORGANIC COMPOUNDS FOR WHICH THERE IS A MAXIMUM CONTAMINANT LEVEL.

~~9-4A-10.~~

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

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

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

~~(3) 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 CENSUS TRACT OR OTHER IDENTIFYING FACTORS;~~

~~(4) 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;~~

~~(5) THE LOCATION OF AREAS OF POTENTIAL CONCERN;~~

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

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

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

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

~~(1) 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;~~

~~(2) 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 COUNTY AND CENSUS TRACT OR OTHER IDENTIFYING FACTORS;~~

~~(3) THE LOCATION OF AREAS OF KNOWN CONTAMINATION OR SUBSTANTIAL GROUNDWATER DEPLETION;~~

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

~~(5) THE MOST COMMONLY DETECTED CONTAMINANTS OF CONCERN, CATEGORIZED BY CENSUS TRACT OR OTHER IDENTIFYING FACTORS; AND~~

~~(6) THE STATUS OF THE QUALITY OF GROUNDWATER THAT SOURCES RESIDENTIAL WELLS.~~

~~9-4A-11. RESERVED.~~

~~9-4A-12. RESERVED.~~

~~PART III. PRIVATE WELL WATER QUALITY DATABASE.~~

~~9-4A-13. 9-4A-03.~~

(A) ~~THE~~ SUBJECT TO THE AVAILABILITY OF FUNDING FOR THE PLANNING AND IMPLEMENTATION OF AN ONLINE PORTAL AND, IN CONSULTATION WITH THE DEPARTMENT OF INFORMATION TECHNOLOGY, THE DEPARTMENT SHALL UTILIZE AN ONLINE PORTAL:

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

(2) TO UPLOAD CERTIFICATES OF POTABILITY AS REQUIRED UNDER COMAR 26.04.04.30, 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) TO 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.

(B) ~~ON AN ONGOING BASIS,~~ IMPLEMENTATION OF THE ONLINE PORTAL UNDER THIS SECTION:

(1) ~~A~~ A COUNTY MAY SUBMIT TO THE DEPARTMENT RECORDS OF CERTIFICATES OF POTABILITY, AS REQUIRED UNDER COMAR 26.04.04.30, AND ANY RESULTS OF WATER QUALITY TESTING RECEIVED VOLUNTARILY FROM RESIDENTS; AND

~~(C)~~ (2) ~~ON A QUARTERLY BASIS,~~ A STATE-CERTIFIED LABORATORY THAT CONDUCTS WATER QUALITY TESTING OF PRIVATE WELLS FOR THE PURPOSE OF IMPLEMENTING THIS SUBTITLE SHALL SUBMIT TO THE DEPARTMENT THE RESULTS OF EACH WATER QUALITY TEST CONDUCTED BY THE LABORATORY IN A MANNER DETERMINED BY THE DEPARTMENT.

~~(D)~~ (C) THE DEPARTMENT SHALL:

(1) CONSISTENTLY SHARE THE INFORMATION COLLECTED UNDER THIS SECTION WITH THE MARYLAND DEPARTMENT OF HEALTH AND LOCAL HEALTH DEPARTMENTS; AND

(2) ENCOURAGE THE MARYLAND DEPARTMENT OF HEALTH AND LOCAL HEALTH DEPARTMENTS TO SHARE RELEVANT INFORMATION TO THE ONLINE PORTAL.

~~9-4A-14. RESERVED.~~

~~9-4A-15. RESERVED.~~

~~PART IV. RESIDENTIAL RENTAL PROPERTY.~~

[9-4A-01.] ~~9-4A-16.~~ 9-4A-04.

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

- (1) Provide for water quality testing every 3 years;
- (2) Disclose to a tenant the results of the water quality testing; and
- (3) Notify a tenant:

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

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

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

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

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

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

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

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

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

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

2. Permanently remediating the contamination; or

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

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

(2) A local health department may:

(i) Enforce this section; and

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

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

Article – Real Property

10-713.

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

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

(2) (I) SETTLEMENT ON THE CONTRACT FOR THE SALE OF THE REAL PROPERTY MAY NOT OCCUR UNTIL THE VENDOR AND THE PURCHASER HAVE EACH RECEIVED AND REVIEWED THE RESULTS OF THE WATER QUALITY TESTING CONDUCTED UNDER THIS SUBSECTION.

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

(3) FOR THE PURPOSE OF THIS SUBSECTION, THE RESULTS OF THE WATER QUALITY TESTING REMAIN VALID FOR 3 YEARS.

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

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

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

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

~~1.~~ (1) THE MAXIMUM CONTAMINANT LEVEL FOR THAT SUBSTANCE; OR

~~2. (II) A HARMFUL LEVEL FOR THAT SUBSTANCE, AS DETERMINED BY THE DEPARTMENT OF THE ENVIRONMENT; AND~~

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

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

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

2. ANY PERSON AUTHORIZED BY THE VENDOR OR PURCHASER;

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

(III) ANY PERSON DESIGNATED BY A COURT ORDER.

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

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

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

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

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

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

(VI) THE DATE AND TIME THE WELL WATER SAMPLE WAS ANALYZED BY THE LABORATORY;

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

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

(IX) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT OF THE ENVIRONMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of the Environment shall:

~~(a) (1) The Department of the Environment shall~~ conduct a study on long-term funding options for the detailed monitoring and analysis of groundwater resources in the State;

~~(b) (2) On or before December 1, 2025, the Department of the Environment shall~~ submit a report of its findings and recommendations *for long-term funding options under item (1) of this section* to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly; *and*

(3) *assist in identifying a funding source for a private well grant fund.*

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2024.

Approved by the Governor, May 8, 2023.