Testimony in **Support** of House Bill 1069 — Water Supply — Private Well Safety Program (Delegate Vaughn Stewart)

February 24, 2021

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 1069. The bill would establish a Private Well Safety Program that would provide roughly two million 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.

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. 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.\(^2\)

House Bill 1069 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. Remediation funding is also available to address a failing septic system if it’s the source of contamination.
- 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 MDE to establish a source tracking and notification program that will monitor groundwater in areas of known or suspected contamination and notify residents when contamination hotspots are found.
- Requiring homeowners and landlords with private wells to disclose recent drinking water quality results to potential homebuyers (within 6 months of sale) and tenants (every 3 years).

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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 Easten 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. Recent research has also linked nitrate consumption 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’s 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. The aforementioned Groundwater Protection 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.”\(^7\) While 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.

Whether it is nitrates or another drinking water contaminant, House Bill 1069 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 \textbf{FAVORABLE} report on House Bill 1069.

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7 Maryland Department of the Environment, 2013.
Sincerely,

Assateague Coastal Trust
Catonsville Indivisibles
Center for a Livable Future
Center for Progressive Reform
Chesapeake Legal Alliance
DoTheMostGood Montgomery
Environmental Integrity Project
Food & Water Watch
Indivisible Central Maryland
Maryland Campaign for Environmental Human Rights
Maryland Legislative Coalition
Potomac Riverkeeper Network
Protectors of the St. Martin River
Maryland Conservation Council
Maryland Sierra Club
Maryland NAACP
Mattawoman Watershed Society
Mountain Maryland Movement
Sentinels for Eastern Shore Health
ShoreRivers
Southeast Rural Community Assistance Project (SERCAP), Delaware-Maryland
Waterkeepers Chesapeake
Worcester County NAACP
WISE
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