

## 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.<sup>1</sup> 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.<sup>2</sup>

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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<sup>1</sup> Minovi D and Schmitt K. *Tainted Tap: Nitrate Pollution, Factor 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/>.

<sup>2</sup> 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%203\\_.pdf](https://mde.maryland.gov/programs/Water/water_supply/Source_Water_Assessment_Program/Documents/FINAL_GWR%20report_1_2013%203_.pdf).

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.<sup>3</sup>

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.<sup>4</sup> A 2021 study observed an association between well water usage and cancer, especially colon cancer, among private well users on the Lower Eastern Shore.<sup>5</sup> 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.<sup>6</sup>

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.”<sup>7</sup> 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 **FAVORABLE** report on House Bill 1069.

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<sup>3</sup> Minovi and Schmitt, 2020.

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

<sup>5</sup> 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.

<sup>6</sup> Aton 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.

<sup>7</sup> 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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