

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 486 (Delegate Serafini)
Environmental Matters

Environment - Water Appropriation or Use Permits - Wells

This bill requires that a water appropriation and use permit issued by the Maryland Department of the Environment (MDE) contain, for the area where the permit applies, a prohibition on the capping or elimination of an existing well and a requirement to install a hand pump for any well not already equipped with one. A permit is not required to contain these two provisions for a well that is determined to be contaminated and unsuitable for human or animal use.

Fiscal Summary

State Effect: Minimal operational impact on MDE to revise the water appropriation and use permit. Expenditures are not materially affected assuming MDE does not inspect permitted sites. Currently, MDE only audits permitted sites based solely on the permit submission. If MDE is expected to inspect sites to enforce the bill's changes, expenditures would likely be affected.

Local Effect: Local government operations are affected in jurisdictions that expand inspection activities as a result of the bill. Expenditures may also be affected in these jurisdictions to the extent that inspections increase beyond what can be handled by existing local health department resources.

Small Business Effect: Potential minimal impact on small business well drillers.

Analysis

Current Law/Background: In order to conserve, protect, and use water resources in accordance with the best interests of the people of Maryland, it is the policy of the State

to control, so far as is feasible, the appropriation or use of surface waters and groundwaters of the State. A permit must be obtained from MDE to appropriate or use, or to construct any structure that may appropriate or use, any waters of the State. An applicant must provide MDE with satisfactory proof that the proposed withdrawal of water will not jeopardize the State's natural resources. Before acting on any permit application, MDE must weigh all respective public advantages and disadvantages and make all appropriate investigations. Current regulations establish criteria MDE must follow in approving water appropriation or use permits.

In carrying out this mandate, MDE has evaluated the groundwater resources of the State and has developed methods of analysis to ensure that proposed water appropriation and use is in the best interests of the public and that it will not jeopardize the State's natural resources. The natural limitation on the amount of groundwater that can be withdrawn without adversely impacting the State's natural resources has in some cases limited the amount of development that can be supported in municipalities that rely solely on groundwater for its water supply; about 31% of Marylanders depend on groundwater as the source of household water. Maryland households use, on average, about 250 gallons of water a day.

Beyond ensuring a sufficient supply of water for residential, commercial, industrial, agricultural, and other uses, MDE also evaluates the safety and quality of surface and groundwaters. In addition to the publication of an annual groundwater report, MDE supports specialized entities such as the Advisory Committee on the Management and Protection of the State's Water Resources and the Maryland Source Water Protection Program. These entities develop best management practices and provide technical assessments on, among other issues, how best to protect water quality for individuals and communities reliant on groundwater from wells. Guidance includes a model wellhead protection ordinance for use by local governments, and information on how to properly cap individual wells for protection from water contamination. Generally, the publicly available information from MDE and these advisory entities relates to the efficient use of water and the protection of existing wells, and does not specifically discuss a prohibition on the capping of existing wells or requiring the installation of additional hand pumps for wells.

According to MDE's *Fiscal Year 2009 Annual Enforcement and Compliance Report*, there were 12,301 water appropriation and use permits in effect at the end of fiscal 2008.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Charles, Frederick, Montgomery, and Somerset counties; Department of Natural Resources; Maryland Department of the Environment; Public Service Commission; Department of Legislative Services

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