



Legislation needed to protect Maryland well owners | COMMENTARY

Darya Minovi and Vaughn Stewart
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If you're one of roughly 2 million Marylanders whose drinking water comes from a private well, you or your property owner is responsible for maintaining the well and ensuring its water is safe — no exceptions. That's because federal clean water laws don't cover private wells or small water systems, and state-level protections vary dramatically. In Maryland, those protections are few and far between.

In a recent Center for Progressive Reform (CPR) [report](#) on state-level efforts to protect private well owners, Maryland ranked among the five states with the fewest protections. Unlike other states, Maryland doesn't offer well owners free or low-cost water testing kits or require water quality test results be disclosed during property sales. While the state does require new wells to meet certain safety thresholds, this policy falls short because it doesn't ensure that well water will stay safe over time.

One key well water contaminant: nitrates. Nitrates form when nitrogen breaks down, and they can pollute groundwater when fertilizer or manure is mismanaged or over-applied to fields. Since they are odorless, colorless and tasteless, nitrates often go unnoticed. High nitrate levels in drinking water are linked to a [condition fatal to infants](#), certain cancers and pregnancy complications.

Nitrates are of special concern on Maryland's Lower Eastern Shore, which hosts most of the state's industrial livestock operations. The region is home to some 44 million chickens — that's roughly 241 chickens for every resident. These birds produce an immense amount of nitrogen-rich manure, and data suggest too much nitrogen is leaching into Maryland's waterways. Poultry litter accounts for at least 12% of nitrogen in Eastern Shore waterways, according to the [Chesapeake Bay Program](#), and nitrate levels in streams are three times greater in the region than other parts of the state.

CPR analysts found that nearly 4% of wells tested in Wicomico and Worcester counties since 1965 had nitrate levels above the safe drinking water threshold set by the U.S. Environmental Protection Agency (EPA). Experts, however, agree that EPA's threshold, set in 1962, is [outdated](#) and may not adequately protect public health. Based on the latest research on the health risks associated with ingesting nitrates, one in 10 wells in the two counties had levels that may be hazardous to health. The highest recorded concentration was nearly 14 times higher than EPA's threshold.

Officials at Maryland's Department of the Environment (MDE) have known about these dangers for years. In 2013, the agency released a [report](#) on behalf of the now-defunct Groundwater Protection Program acknowledging that due "to agricultural land use practices" nitrate concentrations in some areas "commonly exceed" federal safety thresholds. It also noted that "residential wells are not monitored regularly and many homeowners are not aware of potential contamination."

MDE's [Be Well Wise](#) program recommends that well owners test their water annually. But a recent survey of Lower Eastern Shore residents found that nearly three-quarters of private well owners hadn't tested their water in over a year or had never tested their wells. Nearly 40% of respondents hadn't heard about nitrates in drinking water, and people with lower incomes were less likely to have tested their wells for contaminants.

Maryland's hands-off approach to private wells hurts people with low wealth and people of color most. Poverty rates in Somerset, Wicomico, and Worcester counties are higher than the state average, and Somerset and Wicomico have the highest proportion of Black residents on the Eastern Shore. This is no accident: Communities with higher proportions of Black and lower-income residents have a [greater percentage](#) of industrial livestock operations.

The [evidence](#) is clear: racial and economic injustices widen health disparities. Maryland can no longer turn a blind eye to harmful pollutants like nitrates that can exacerbate these effects. We may not be able to see, smell, or taste nitrates, but they're in our water — and they're hurting Marylanders.

Legislation introduced this session ([House Bill 1069](#)) would create a well safety program in Maryland that helps cover the cost of well tests and remediation of contaminated wells, create a public database of well water test results, and require property owners to disclose results to tenants and buyers.

Safe drinking water is a human right, and we must ensure all Marylanders have access to it. This program would be a step in that direction.

Darya Minovi (dminovi@progressivereform.org) is an environmental health advocate and policy analyst at the Center for Progressive Reform. Democrat Del. Vaughn Stewart (vaughn.stewart@house.state.md.us) represents Montgomery County in the Maryland House of Delegates and introduced the well safety program bill.

<https://www.baltimoresun.com/opinion/op-ed/bs-ed-op-0208-well-water-protection-20210208-32mbn42epphilixnbsgqmzqw5m-story.html>