

SENATE BILL 726

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SB 710/01 - EEA

2002 Regular Session
2lr2439

By: ~~Senators Stoltzfus and Frosh, Frosh, Blount, Hollinger, Collins,~~
Conway, Dyson, Harris, Mooney, Pinsky, and Stone

Introduced and read first time: February 1, 2002
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 12, 2002

CHAPTER 484

1 AN ACT concerning

2 **Reclaimed Water**

3 FOR the purpose of declaring certain State policy requiring the Department of
4 Environment to encourage the use of reclaimed water for certain purposes;
5 authorizing the Department to consult with the State Plumbing Board on
6 certain matters; authorizing the use of reclaimed water for certain irrigation
7 purposes; authorizing the Department to establish certain buffer and setback
8 requirements for the use of reclaimed water for irrigation purposes; defining a
9 certain term; providing for the application of this Act; and generally relating to
10 the use of reclaimed water.

11 BY repealing and reenacting, with amendments,
12 Article - Environment
13 Section 9-301 and 9-302
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 2001 Supplement)

16 BY adding to
17 Article - Environment
18 Section 9-303.1
19 Annotated Code of Maryland
20 (1996 Replacement Volume and 2001 Supplement)

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

1 **Article - Environment**

2 9-301.

3 (a) In this subtitle the following words have the meanings indicated.

4 (b) "Board" means the Water Science Advisory Board.

5 (c) "Discharge permit" means a permit issued by the Department for the
6 discharge of any pollutant or combination of pollutants into the waters of this State.7 (d) "Person" includes the federal government, this State, any county,
8 municipal corporation, or other political subdivision of this State, or any of their
9 units.

10 (E) "RECLAIMED WATER" MEANS SEWAGE THAT:

11 (1) HAS BEEN TREATED TO A HIGH QUALITY SUITABLE FOR VARIOUS
12 REUSES; AND

13 (2) HAS A CONCENTRATION OF LESS THAN:

14 (I) 3 FECAL COLIFORM COLONIES PER 100 MILLILITERS;

15 (II) 10 MILLIGRAMS PER LITER OF 5-DAY BIOLOGICAL OXYGEN
16 DEMAND; AND

17 (III) 10 MILLIGRAMS PER LITER OF TOTAL SUSPENDED SOLIDS.

18 [(e)] (F) "Sewage" means any human or animal excretion, domestic waste, or
19 industrial waste.

20 [(f)] (G) (1) "Sewerage system" means:

21 (i) The channels used or intended to be used to collect and dispose
22 of sewage; and23 (ii) Any structure and appurtenance used or intended to be used to
24 collect or prepare sewage for discharge into the waters of this State.

25 (2) "Sewerage system" includes any sewer of any size.

26 (3) "Sewerage system" does not include the plumbing system inside any
27 building served by the sewerage system.

28 9-302.

29 (a) The purpose of this subtitle is to establish effective programs and to
30 provide additional and cumulative remedies to prevent, abate, and control pollution of
31 the waters of this State.

1 (b) Because the quality of the waters of this State is vital to the interests of
2 the citizens of this State, because pollution is a menace to public health and welfare,
3 creates public nuisances, harms wildlife, fish, and aquatic life, and impairs domestic,
4 agricultural, industrial, recreational, and other legitimate beneficial uses of water,
5 and because the problem of water pollution in this State is closely related to the
6 problem of water pollution in adjoining states, it is the policy of this State:

7 (1) To improve, conserve, and manage the quality of the waters of this
8 State;

9 (2) To protect, maintain, and improve the quality of water for public
10 supplies, propagation of wildlife, fish, and aquatic life, and domestic, agricultural,
11 industrial, recreational, and other legitimate beneficial uses;

12 (3) To provide that no waste is discharged into any waters of this State
13 without first receiving necessary treatment or other corrective action to protect the
14 legitimate beneficial uses of the waters of this State; [and]

15 (4) Through innovative and alternative methods of waste and
16 wastewater treatment, to provide and promote prevention, abatement, and control of
17 new or existing water pollution; AND

18 (5) TO PROMOTE AND ENCOURAGE THE USE OF RECLAIMED WATER IN
19 ORDER TO CONSERVE WATER SUPPLIES, FACILITATE THE INDIRECT RECHARGE OF
20 GROUNDWATER, AND DEVELOP AN ALTERNATIVE TO DISCHARGING WASTEWATER
21 EFFLUENT TO SURFACE WATERS, THUS PURSUING THE GOAL OF THE CLEAN WATER
22 ACT TO END THE DISCHARGE OF POLLUTANTS AND MEET THE NUTRIENT
23 REDUCTION GOALS OF THE CHESAPEAKE BAY AGREEMENT.

24 (c) (1) The Department shall cooperate with local governments, agencies of
25 other states, and the federal government in carrying out the objectives of subsection
26 (b) of this section.

27 (2) THE DEPARTMENT MAY CONSULT WITH THE STATE PLUMBING
28 BOARD, AS APPROPRIATE, ON MATTERS RELATING TO THE OBJECTIVES OF
29 SUBSECTION (B)(5) OF THIS SECTION.

30 9-303.1.

31 (A) THE DEPARTMENT SHALL ENCOURAGE THE USE OF RECLAIMED WATER
32 AS AN ALTERNATIVE TO DISCHARGING WASTEWATER EFFLUENT INTO THE SURFACE
33 WATERS OF THE STATE.

34 (B) RECLAIMED WATER MAY BE USED FOR IRRIGATION OF:

35 (1) FARMLAND;

36 (2) GOLF COURSES;

37 (3) ATHLETIC FIELDS;

- 1 (4) TURF;
- 2 (5) LANDSCAPING; AND
- 3 (6) ANY OTHER USE THAT THE DEPARTMENT CONSIDERS APPROPRIATE.

4 (C) THE DEPARTMENT MAY ESTABLISH BUFFER AND SETBACK
5 REQUIREMENTS FOR THE USE OF RECLAIMED WATER UNDER SUBSECTION (B) OF
6 THIS SECTION AS FOLLOWS:

- 7 (1) FROM POTABLE WELLS AND SURFACE WATER INTAKES, UP TO 100
8 FEET;
- 9 (2) FROM INTERMITTENT AND PERENNIAL STREAMS AND RESIDENTIAL
10 STRUCTURES, UP TO 25 FEET; ~~AND~~
- 11 (3) FROM SCHOOLS AND PLAYGROUNDS, UP TO 50 FEET; : AND
- 12 (4) FROM PUBLIC ROADS AND RESIDENTIAL PROPERTY LINES, UP TO 25
13 FEET.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
15 construed to affect the ability of a commercial car wash that used reclaimed water in
16 its operations before the effective date of this Act from continuing to use reclaimed
17 water in its operations on or after the effective date of this Act.

18 SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take
19 effect October 1, 2002.