

HOUSE BILL 693

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M3

2002 Regular Session
(21r2402)

ENROLLED BILL

-- *Environmental Matters/Education, Health, and Environmental Affairs* --

Introduced by **Delegates Frush, Shriver, R. Baker, Bobo, Bronrott, Clagett, Conroy, Cryor, D. Davis, D'Amato, DeCarlo, Dembrow, Healey, Heller, Howard, Hubers, V. Jones, Mandel, Menes, Moe, Montague, Morhaim, Nathan-Pulliam, Petzold, Pitkin, Riley, and ~~Rosso~~ Rosso, Sher, and Valderrama**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 537

1 AN ACT concerning

2

Maryland Water Conservation Act

3 FOR the purpose of requiring certain public water systems ~~and sewage treatment~~
4 ~~plants~~ to include a description of certain water conservation practices when
5 applying for a new or expanded water appropriation ~~or wastewater discharge~~
6 permit; requiring the Department of the Environment to consider certain
7 matters in reviewing and approving certain water appropriation ~~or wastewater~~
8 ~~discharge~~ permit applications; requiring the Department to issue guidelines on
9 certain water conservation practices by a certain date; specifying a certain State
10 policy; defining certain terms; and generally relating to water conservation
11 practices of public water systems ~~and sewage treatment plants~~.

12 BY adding to

1 Article - Environment
 2 Section 5-5B-01 through 5-5B-05, inclusive, to be under the new subtitle
 3 "Subtitle 5B. Maryland Water Conservation"
 4 Annotated Code of Maryland
 5 (1996 Replacement Volume and 2001 Supplement)

6 Preamble

7 WHEREAS, Greater efficiency in water use and conservation can reduce the
 8 financial costs associated with treatment, storage, and transmission of water ~~and~~
 9 ~~wastewater~~ necessary for Maryland's growing population, thus making better use of
 10 the limited financial resources available for such improvements; and

11 WHEREAS, Data compiled by the State and published by the United States
 12 Environmental Protection Agency show that in the next 20 years, more than
 13 \$2,000,000,000 will have to be invested by public water systems, ~~wastewater~~
 14 ~~treatment plants~~, and State agencies in order to accommodate growth and to improve
 15 the quality of drinking water ~~and the treatment, storage, and transmission of~~
 16 ~~wastewater~~; and

17 WHEREAS, Improvements in efficient use of water and overall water
 18 conservation measures will limit negative environmental impacts on Maryland's
 19 aquatic resources, which are associated with withdrawing surface water and
 20 groundwater and discharging wastewater; ~~and~~

21 ~~WHEREAS, More efficient use of limited financial resources available for~~
 22 ~~improving wastewater treatment will accelerate achievement of water quality goals,~~
 23 ~~including the goals of the Chesapeake Bay Agreements;~~ now, therefore,

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

26 **Article - Environment**

27 SUBTITLE 5B. MARYLAND WATER CONSERVATION.

28 5-5B-01.

29 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 30 INDICATED.

31 (B) "PUBLIC WATER SYSTEM" HAS THE MEANING STATED IN § 9-401 OF THIS
 32 ARTICLE AND IS A WATER SYSTEM LOCATED IN THE STATE.

33 ~~(C) "SEWAGE TREATMENT PLANT" MEANS ANY PUBLICLY OR PRIVATELY~~
 34 ~~OWNED FACILITY CONSTRUCTED TO RECEIVE AND TREAT HUMAN SEWAGE THAT IS~~
 35 ~~SUBJECT TO A STATE DISCHARGE PERMIT AND DISCHARGES AT LEAST 1,000,000~~
 36 ~~GALLONS PER DAY.~~

1 ~~(D)~~ "NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM" HAS THE
 2 MEANING STATED IN § 9-101 OF THIS ARTICLE AND IS A POLLUTANT DISCHARGE
 3 SYSTEM LOCATED IN THE STATE.

4 ~~(C)~~ "EXPANDED WATER APPROPRIATION PERMIT" MEANS A REVISED PERMIT
 5 GRANTING A SIGNIFICANT INCREASE IN THE WITHDRAWAL OF WATER AUTHORIZED
 6 UNDER THE EXISTING WATER APPROPRIATION PERMIT.

7 ~~(E)~~ (D) "WATER CONSERVATION" MEANS THE USE OF PRACTICES,
 8 TECHNIQUES, AND TECHNOLOGIES THAT:

9 (1) REDUCE THE CONSUMPTION, LOSS, OR WASTE OF WATER;

10 (2) IMPROVE EFFICIENCY IN THE USE OF WATER; OR

11 (3) MAKE MORE EFFICIENT USE OF WATER ~~OR WASTEWATER~~
 12 TREATMENT INFRASTRUCTURE.

13 5-5B-02.

14 THIS SUBTITLE APPLIES TO PUBLIC WATER SYSTEMS SERVING AT LEAST 10,000
 15 INDIVIDUALS ~~AND SEWAGE TREATMENT PLANTS DISCHARGING AT LEAST 1,000,000~~
 16 ~~GALLONS PER DAY~~ THAT:

17 (1) APPLY FOR A NEW, ~~RENEWED, OR AMENDED~~ OR EXPANDED WATER
 18 APPROPRIATION PERMIT;

19 ~~(2) DO NOT HAVE AN APPROPRIATION PERMIT;~~

20 ~~(3) APPLY FOR A NEW OR AMENDED NATIONAL POLLUTANT DISCHARGE~~
 21 ~~ELIMINATION SYSTEM (NPDES) PERMIT; OR~~

22 ~~(4)~~ (2) APPLY FOR STATE FINANCIAL ASSISTANCE INCLUDING THE
 23 MARYLAND WATER QUALITY REVOLVING LOAN FUND AS PROVIDED IN § 9-1605 OF
 24 THIS ARTICLE AND ANY OTHER STATE FUNDING SOURCE.

25 5-5B-03.

26 IT IS THE POLICY OF THE STATE OF MARYLAND TO:

27 (1) ENCOURAGE INVESTMENT IN COST-EFFECTIVE MEASURES THAT
 28 IMPROVE THE EFFICIENCY WITH WHICH WATER ~~AND WASTEWATER ARE~~ IS USED,
 29 TREATED, STORED, AND TRANSMITTED IN THE STATE;

30 (2) REDUCE COSTS ASSOCIATED WITH TREATING, STORING, AND
 31 TRANSMITTING WATER ~~AND WASTEWATER~~; AND

32 (3) PROTECT THE STATE'S NATURAL RESOURCES, INCLUDING THE FISH
 33 AND WILDLIFE OF THE POTOMAC RIVER, THE CHESAPEAKE BAY, AND ALL OTHER
 34 WATERS AND WATERWAYS OF THE STATE.

1 5-5B-04.

2 (A) WHEN APPLYING FOR A NEW OR EXPANDED WATER APPROPRIATION ~~OR~~
3 ~~WASTEWATER DISCHARGE PERMIT~~, OR STATE FINANCIAL ASSISTANCE, PUBLIC
4 WATER SYSTEMS ~~AND SEWAGE TREATMENT PLANTS~~ SHALL INCLUDE A
5 DESCRIPTION OF BEST MANAGEMENT PRACTICES CURRENTLY IN USE, OR TO BE
6 IMPLEMENTED, FOR IMPROVING WATER CONSERVATION AND THE EFFICIENCY WITH
7 WHICH WATER ~~OR WASTEWATER~~ IS USED, TREATED, STORED, AND TRANSMITTED.
8 THE APPLICATION SHALL ALSO INCLUDE A SCHEDULE FOR THE IMPLEMENTATION
9 OF BEST MANAGEMENT PRACTICES.

10 (B) BEST MANAGEMENT PRACTICES MAY INCLUDE THE FOLLOWING:

11 (1) PRACTICES DESIGNED TO MEASURE THE AMOUNT OF WATER
12 CONVEYED THROUGH THE SYSTEM'S INFRASTRUCTURE TO WATER USERS, SUCH AS
13 UNIVERSAL METERING;

14 (2) AUDITS OF LARGE-VOLUME USERS;

15 (3) REUSE AND RECYCLING OF WATER FOR NONPOTABLE,
16 NONRESIDENTIAL APPLICATIONS;

17 (4) MANAGEMENT OF SYSTEM PRESSURE TO REDUCE USAGE;

18 (5) RETROFIT PROGRAMS;

19 (6) EFFICIENCY IN LANDSCAPE DESIGN AND IRRIGATION TECHNIQUES;

20 (7) WASTEWATER RECLAMATION AND RECYCLING PROGRAMS;

21 (8) FIXTURE REPLACEMENT PROGRAMS;

22 (9) WATER AND WASTEWATER PRICING STRUCTURES THAT ENCOURAGE
23 IMPROVED EFFICIENCY;

24 (10) REBATES AND OTHER FINANCIAL INCENTIVES;

25 (11) AN EDUCATION PROGRAM FOR USERS DESIGNED TO PROMOTE
26 INCREASED EFFICIENCY AND CONSERVATION; AND

27 (12) PROMOTION OR ADOPTION OF LOCAL WATER-USE ORDINANCES
28 THAT ENCOURAGE WATER CONSERVATION.

29 5-5B-05.

30 (A) IN REVIEWING REQUESTS FOR NEW, ~~RENEWED~~, OR EXPANDED WATER
31 APPROPRIATION ~~OR WASTEWATER DISCHARGE PERMITS~~ BY PUBLIC WATER SYSTEMS
32 ~~OR SEWAGE TREATMENT PLANTS~~, AS DEFINED BY THIS SUBTITLE, THE DEPARTMENT
33 SHALL CONSIDER EXISTING LOCAL INITIATIVES AND VOLUNTARY EFFORTS AND
34 BEST MANAGEMENT PRACTICES SET FORTH FOR IMPLEMENTATION WITHIN A
35 PERMIT APPLICATION.

1 (B) IN REVIEWING AND PRIORITIZING REQUESTS BY PUBLIC WATER SYSTEMS
2 ~~OR SEWAGE TREATMENT PLANTS~~, AS DEFINED BY THIS SUBTITLE, FOR STATE
3 FINANCIAL ASSISTANCE THROUGH THE MARYLAND WATER QUALITY REVOLVING
4 LOAN FUND UNDER § 9-1605 OF THIS ARTICLE AND OTHER STATE FUNDING
5 SOURCES, THE DEPARTMENT SHALL CONSIDER LOCAL INITIATIVES AND VOLUNTARY
6 EFFORTS, AND THE BEST MANAGEMENT PRACTICES SET FORTH FOR
7 IMPLEMENTATION WITHIN A FINANCIAL ASSISTANCE APPLICATION.

8 (C) ON OR BEFORE OCTOBER 1, 2003, THE DEPARTMENT SHALL ISSUE
9 GUIDELINES TO PUBLIC WATER SYSTEMS ~~AND SEWAGE TREATMENT PLANTS~~ ON
10 BEST MANAGEMENT PRACTICES FOR IMPROVING WATER CONSERVATION AND
11 EFFICIENCY IN WATER ~~AND WASTEWATER~~ USE, TREATMENT, STORAGE, AND
12 TRANSMISSION, INCLUDING:

13 (1) COSTS AND COST-SAVINGS ASSOCIATED WITH IMPLEMENTING
14 EXAMPLES OF SPECIFIC BEST MANAGEMENT PRACTICES;

15 (2) WATER CONSERVATION ASSOCIATED WITH IMPLEMENTING
16 SPECIFIC BEST MANAGEMENT PRACTICES; AND

17 (3) PRIORITY ELIGIBILITY FOR FUNDING THROUGH STATE FINANCIAL
18 RESOURCES FOR DRINKING WATER AND WASTEWATER TREATMENT IMPROVEMENTS
19 INCLUDING THE MARYLAND WATER QUALITY REVOLVING LOAN FUND UNDER §
20 9-1605 OF THIS ARTICLE AND OTHER STATE OR FEDERAL FINANCIAL ASSISTANCE
21 WHEN BEST MANAGEMENT PRACTICES ARE IMPLEMENTED.

22 *(D) THE DEPARTMENT MAY ADOPT REGULATIONS TO ESTABLISH THE*
23 *MINIMUM INCREASE IN THE AMOUNT OF WATER TO BE WITHDRAWN UNDER AN*
24 *EXPANDED WATER APPROPRIATION PERMIT THAT REQUIRES COMPLIANCE WITH*
25 *THIS SUBTITLE.*

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
27 effect October 1, 2002.