

Chapter 142

(House Bill 1527)

AN ACT concerning

Environment – Water Appropriation Permit – Aquaculture Exemption

FOR the purpose of creating an exemption from the requirement to obtain a water appropriation permit under certain circumstances for certain use of tidal waters for oyster aquaculture purposes; making this Act an emergency measure; and generally relating to an exemption for aquaculture purposes from the requirement to obtain a water appropriation permit.

BY repealing and reenacting, without amendments,
 Article – Environment
 Section 5–502(a)
 Annotated Code of Maryland
 (2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,
 Article – Environment
 Section 5–502(b)
 Annotated Code of Maryland
 (2013 Replacement Volume and 2015 Supplement)

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

Article – Environment

5–502.

(a) Every person is required to obtain a permit from the Department to appropriate or use or begin to construct any plant, building, or structure which may appropriate or use any waters of the State, whether surface water or groundwater. The permit is obtained upon written application to the Department. The applicant shall provide the Department with satisfactory proof that the proposed withdrawal of water will not jeopardize the State's natural resources.

(b) This section does not apply to:

- (1) Use of water for domestic purposes other than for heating and cooling;
 - (2) Use of water for agricultural purposes, if the average annual water use is less than 10,000 gallons per day, except as provided in subsection (c)(2) of this section;
- [or]

(3) USE OF TIDAL WATERS FOR OYSTER AQUACULTURE PURPOSES, IF THE WATER IS RETURNED TO THE SAME BODY OF WATER FROM WHICH IT IS APPROPRIATED; OR

[(3)] (4) Use of groundwater at an average annual water use of 5,000 gallons of water per day or less, provided that:

- (i) 1. The use is not for a public water system that:
 - A. Serves at least 15 service connections used by year-round residents of the area served by the system; or
 - B. Regularly serves at least 25 year-round residents; or
- 2. The use will not occur within a water management strategy area established by the Department; and
- (ii) The user files a notice of exemption with the Department at least 30 days before the use is proposed to begin.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 12, 2016.