

# HOUSE BILL 1527

M3

EMERGENCY BILL

6lr3572

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By: **Delegate O'Donnell**

Introduced and read first time: February 18, 2016

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Water Appropriation Permit – Aquaculture Exemption**

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

8 BY repealing and reenacting, without amendments,

9 Article – Environment

10 Section 5–502(a)

11 Annotated Code of Maryland

12 (2013 Replacement Volume and 2015 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Environment

15 Section 5–502(b)

16 Annotated Code of Maryland

17 (2013 Replacement Volume and 2015 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Environment**

21 5–502.

22 (a) Every person is required to obtain a permit from the Department to  
23 appropriate or use or begin to construct any plant, building, or structure which may  
24 appropriate or use any waters of the State, whether surface water or groundwater. The  
25 permit is obtained upon written application to the Department. The applicant shall provide

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the Department with satisfactory proof that the proposed withdrawal of water will not  
2 jeopardize the State's natural resources.

3 (b) This section does not apply to:

4 (1) Use of water for domestic purposes other than for heating and cooling;

5 (2) Use of water for agricultural purposes, if the average annual water use  
6 is less than 10,000 gallons per day, except as provided in subsection (c)(2) of this section;  
7 [or]

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

11 ~~[(3)]~~ (4) Use of groundwater at an average annual water use of 5,000  
12 gallons of water per day or less, provided that:

13 (i) 1. The use is not for a public water system that:

14 A. Serves at least 15 service connections used by year-round  
15 residents of the area served by the system; or

16 B. Regularly serves at least 25 year-round residents; or

17 2. The use will not occur within a water management  
18 strategy area established by the Department; and

19 (ii) The user files a notice of exemption with the Department at least  
20 30 days before the use is proposed to begin.

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