

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 582

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “of” insert “a certain portion of”; in the same line, after “River” insert “Basin”; in line 5, strike “determinations, assessments,” and substitute “assessments and”; strike beginning with “a” in line 8 down through “circumstances” in line 9 and substitute “the Secretary from issuing a waterway construction permit to construct a water intake pipe in the Potomac River for a certain period of time unless certain circumstances exist”; and in line 15, strike “5-12A-05” and substitute “5-12A-04”.

AMENDMENT NO. 2

On page 2, in line 2, after “RIVER” insert “AT LITTLE FALLS”; in line 13, after the second “THE” insert “NONTIDAL PORTION OF THE”; in the same line, after “RIVER” insert “BASIN”; in lines 13 and 14, strike “: (1)”; in line 17, strike “2035” and substitute “2030”; in line 21, strike “THE NEED TO MEET”; in lines 21 and 22, strike “DURING CONDITIONS COMPARABLE TO THE MOST SEVERE DROUGHT AND THE LONGEST DROUGHT OF RECORD”; strike in their entirety lines 23 and 24 and substitute:

“(4) THE FREQUENCY AND DURATION OF LOW FLOW OCCURRENCES IN THE RIVER AND THEIR IMPACT ON WATER AVAILABILITY; AND”;

in lines 16, 18, 20, and 25, strike “(I)”, “(II)”, “(III)”, and “(V)”, respectively, and substitute “(1)”, “(2)”, “(3)”, and “(5)”, respectively; and strike in their entirety lines 26 through 36, inclusive, and substitute a period.

On page 3, strike in their entirety lines 1 through 12, inclusive; in line 13, strike the colon; strike in their entirety lines 14 through 30, inclusive; in line 31, strike “(2)”; in line 32, strike “ONLY”; in lines 32 and 35, strike “(I)” and “(II)”, respectively, and substitute “(1)” and “(2)”, respectively; in lines 33 and 34, strike “ARE ADDRESSED BY AN ADEQUATE

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ENFORCEMENT PROGRAM” and substitute “HAVE BEEN SHOWN TO BE EFFECTIVE IN THE PAST”.

On page 4, strike beginning with “, ARE” in line 1 down through “RESULT” in line 17; in line 32, after “(4)” insert “(I)”; and after line 33, insert:

“(II) THE REPORT SHALL INCLUDE A SUMMARY OF ONGOING WATER QUALITY STUDIES PERTAINING TO THE POTOMAC RIVER BASIN AND THEIR STATUS.”.

AMENDMENT NO. 3

On page 5, strike in their entirety lines 4 through 17, inclusive, and substitute:

“(B) THE SECRETARY MAY NOT, PRIOR TO 6 MONTHS AFTER THE SECRETARY HAS SUBMITTED TO THE GENERAL ASSEMBLY THE STUDY REQUIRED UNDER THIS SUBTITLE, GRANT A WATERWAY CONSTRUCTION PERMIT TO ANY PERSON TO CONSTRUCT A WATER INTAKE PIPE IN THE POTOMAC RIVER UNLESS:

(1) THE PIPE WILL BE USED AS A REPLACEMENT FOR A PIPE ALREADY IN USE;

(2) THE PIPE CANNOT BE USED CONCURRENTLY WITH THE PIPE ALREADY IN USE;

(3) THE PIPE DOES NOT HAVE THE CAPACITY TO WITHDRAW FROM THE POTOMAC RIVER AN AMOUNT OF WATER THAT EXCEEDS THE AMOUNT OF WATER THE PERSON IS AUTHORIZED TO WITHDRAW UNDER THE WATER APPROPRIATION PERMIT BY MORE THAN 5 MGD; AND

(4) THE PIPE IS PLACED NOT LESS THAN 30 INCHES BELOW THE WATER SURFACE AT THE RIVER’S HISTORIC LOW FLOW.”.