
By: **Delegates Cryor, Barkley, Barve, Bronrott, Boutin, Cadden, Cane,
Carlson, Clagett, Conroy, Dembrow, Dypski, Frush, Glassman,
Goldwater, Grosfeld, Heller, Howard, Kach, Leopold, Petzold, Rosso,
Riley, Sher, Stern, Stocksdale, Walkup, Kopp, Phillips, La Vay, and
Shriver**

Introduced and read first time: February 3, 2000
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Potomac River Protection Act**

3 FOR the purpose of prohibiting a person from constructing or blasting in the Potomac
4 River under certain circumstances; prohibiting the Secretary of the
5 Environment from issuing a waterway construction permit to construct a water
6 intake pipe in the Potomac River unless certain circumstances exist; making
7 provisions of this Act severable; providing for the legislative intent of this Act;
8 defining a certain term; and generally relating to the protection of the Potomac
9 River.

10 BY adding to
11 Article - Environment
12 Section 5-12A-01 through 5-12A-04, inclusive, to be under the new subtitle
13 "Subtitle 12A. Potomac River Protection Act"
14 Annotated Code of Maryland
15 (1996 Replacement Volume and 1999 Supplement)

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

18 **Article - Environment**

19 **SUBTITLE 12A. POTOMAC RIVER PROTECTION ACT.**

20 5-12A-01.

21 IN THIS SUBTITLE, "MGD" MEANS MILLION OF GALLONS OF WATER PER DAY.

1 5-12A-02.

2 THE PURPOSE OF THIS SUBTITLE IS TO:

3 (1) ASSIST THE PEOPLE OF MARYLAND IN OBTAINING THE PROTECTION
4 AND ENHANCEMENT OF THE POTOMAC RIVER IN ACCORDANCE WITH THE
5 OBJECTIVES OF ITS AMERICAN HERITAGE RIVER DESIGNATION; AND

6 (2) PRESERVE THE POTOMAC RIVER FOR FUTURE GENERATIONS.

7 5-12A-03.

8 (A) UNTIL STUDIES CONCERNING THE POTOMAC RIVER AND WATER
9 RESOURCES IN THE WASHINGTON METROPOLITAN AREA ARE COMPLETED AND
10 SUBMITTED TO THE GOVERNOR AND GENERAL ASSEMBLY, A PERSON MAY NOT:

11 (1) CONSTRUCT A WATER INTAKE STRUCTURE IN THE POTOMAC RIVER
12 WITH THE CAPACITY TO WITHDRAW MORE THAN 50 MGD;

13 (2) BLAST THE POTOMAC RIVERBED FOR A WATER INTAKE STRUCTURE;
14 OR

15 (3) CONSTRUCT AN INTAKE STRUCTURE UNLESS THE WATER INTAKE
16 STRUCTURE IS AT LEAST 30 INCHES BELOW THE WATER SURFACE AT THE RIVER'S
17 HISTORIC LOW FLOW.

18 5-12A-04.

19 THE SECRETARY MAY NOT GRANT A WATERWAY CONSTRUCTION PERMIT TO
20 ANY PERSON TO CONSTRUCT A WATER INTAKE PIPE IN THE POTOMAC RIVER
21 UNLESS:

22 (1) THE PIPE WILL BE USED AS AN ALTERNATIVE FOR A PIPE ALREADY
23 IN USE;

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

26 (3) THE PIPE DOES NOT HAVE THE PHYSICAL CAPACITY TO WITHDRAW
27 FROM THE POTOMAC RIVER AN AMOUNT OF WATER THAT EXCEEDS THE CAPACITY
28 OF THE INTAKE ALREADY IN USE; AND

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

31 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this
32 Act or the application thereof to any person or circumstance is held invalid for any
33 reason in a court of competent jurisdiction, the invalidity does not affect other
34 provisions or any other application of this Act which can be given effect without the
35 invalid provision or application, and for this purpose the provisions of this Act are
36 declared severable.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 June 1, 2000.