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By: **Senators Van Hollen, Hogan, Roesser, Frosh, Pinsky, Forehand, and Sfikas**

Introduced and read first time: February 4, 2000  
Assigned to: Economic and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Potomac River Protection Act**

3 FOR the purpose of requiring the Secretary of the Environment to submit certain  
4 reports to the General Assembly; prohibiting the Secretary of the Environment  
5 from issuing certain permits before a certain time except when certain  
6 conditions are met; providing that this Act does not preempt or prohibit any  
7 ordinance, resolution, law, or rule more stringent than this Act; making  
8 provisions of this Act severable; and generally relating to the waters in the  
9 Potomac River basin.

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
11 MARYLAND, That:

12 (a) The Secretary of the Environment shall submit the following reports to the  
13 General Assembly in accordance with § 2-1246 of the State Government Article:

14 (1) 2000 Water Demand Forecast and Resource Availability Analysis for  
15 the Washington Metropolitan Area, prepared by the Interstate Commission on the  
16 Potomac River Basin;

17 (2) Potomac River Basin-Wide Water Demand Forecast, prepared by the  
18 Interstate Commission on the Potomac River Basin;

19 (3) Maryland's Source Water Assessment Program, prepared by the  
20 Department of the Environment; and

21 (4) If Chapter \_\_\_\_ (H.B. 64) of the Acts of the General Assembly of 2000  
22 takes effect, the report of the Task Force to Study the Minimum Flow Levels in the  
23 Potomac River.

24 (b) The Secretary of the Environment may not issue a permit for the  
25 construction of a water intake pipe into the Potomac River until 6 months after the  
26 Secretary of the Environment has submitted the reports required under subsection  
27 (a) of this section unless:

28 (1) The new pipe will replace a pipe already in use;

1           (2)     The new pipe cannot be used concurrently with the pipe to be  
2 replaced;

3           (3)     The new pipe cannot withdraw an amount of water that exceeds the  
4 amount of water authorized to be withdrawn by the water appropriation permit by  
5 more than 5 million gallons of water per day; and

6           (4)     The new pipe will be placed at least 30 inches below the water  
7 surface at the Potomac River's historic low flow.

8     SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be  
9 construed to preempt, prevail over, or prohibit adoption of any ordinance, resolution,  
10 law, or rule more stringent than this Act.

11     SECTION 3. AND BE IT FURTHER ENACTED, That if any provision of this  
12 Act or the application thereof to any person or circumstance is held invalid for any  
13 reason in a court of competent jurisdiction, the invalidity does not affect other  
14 provisions or any other application of this Act which can be given effect without the  
15 invalid provision or application, and for this purpose the provisions of this Act are  
16 declared severable.

17     SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 June 1, 2000.