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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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Committee Report: Favorable with amendments  
Senate action: Adopted with floor amendments  
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CHAPTER \_\_\_\_\_

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 a certain exception to the prohibition against  
7 issuing a permit before a certain time; providing that this Act does not preempt  
8 or prohibit any ordinance, resolution, law, or rule more stringent than this Act;  
9 making provisions of this Act severable; and generally relating to the waters in  
10 the Potomac River basin.

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

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

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

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

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

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

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

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

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

11 (3) The new pipe ~~cannot~~ does not have the capacity to withdraw an  
12 amount of water that exceeds the amount of water authorized to be withdrawn by the  
13 water appropriation permit by more than 5 million gallons of water per day; and

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

16 (c) Subsection (b) of this section does not apply to a person who:

17 (1) Holds or applies for a permit to construct a water intake pipe or  
18 structure to withdraw water from the Potomac River; and

19 (2) Returns all or a majority of the water withdrawn to the Potomac  
20 River within 3 miles of the point of withdrawal.

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

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

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

