

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

Senate Bill 389 (Senator Forehand. *et al.*)

Economic and Environmental Affairs

Task Force to Study the Minimum Flow Levels in the Potomac River

This bill establishes a 19-member task force to study the minimum flow levels in the Potomac River. The bill describes the composition of the task force, requires the Governor to designate the chairman of the task force, and directs the Department of Natural Resources (DNR) to coordinate with other State agencies to provide staffing for the task force. The bill requires the task force to: (1) study the minimum flow levels of the Potomac River as they relate to the support of the plant and aquatic life of the river; (2) identify the minimum flow level of the Potomac River necessary to support the plant and aquatic life of the river; and (3) issue a final report of its findings and recommendations to the General Assembly on or before December 31, 2000.

The bill takes effect July 1, 2000.

Fiscal Summary

State Effect: Potential increase in general fund expenditures in FY 2001 to perform additional studies and field sampling, if necessary, to meet the requirements of the bill.

Local Effect: Minimal. The bill provides for local representation on the task force, but it is assumed that local expenditures related to the task force, if any, would be absorbable within the local government's existing resources.

Small Business Effect: None.

Analysis

Current Law: No such task force exists.

Background: According to the Maryland Department of Environment (MDE), the Washington Suburban Sanitary Commission (WSSC) and the Fairfax City Water Authority (FCWA) are permitted by MDE to withdraw water from the Potomac River. In 1979 representatives of the State of Maryland, the Commonwealth of Virginia, the District of Columbia, the FCWA, the WSSC, and the Washington Aqueduct Division of the U.S. Army Corps of Engineers signed an interstate compact called the Potomac River Low Flow Allocation Agreement. The purpose of the agreement was to make sure that in times of inadequate water supply in the Potomac River, an equitable distribution of the available resources would be made.

Besides allocating the available supply of water in the Potomac River among the suppliers, the agreement provides for minimum flow levels in order to protect the river's natural resources. Under the agreement, if the supply of water in the river is inadequate to meet the demand from water suppliers and still maintain the required minimum flow levels, water conservation measures are implemented and specified reservoirs upstream may be released in order to restore the flow levels to above the required levels. According to MDE, the 1999 drought was the first time since the agreement was signed that flow levels dropped low enough to trigger the release of water from an upstream reservoir.

MDE advises that the minimum flow levels were determined from a 1981 study by DNR. According to DNR, there is some concern that scientists did not have enough data available at that time to be confident that the minimum flow levels are truly protective of the river's resources.

State Fiscal Effect: To the extent that the task force identifies additional studies and field sampling necessary in order to make recommendations to the General Assembly, as required by the bill, general fund expenditures could increase accordingly in fiscal 2001. DNR advises that until a detailed review of available information is completed, the extent to which additional studies will be needed is unknown. Any expense reimbursements for task force members and staffing costs for DNR and other State agencies are assumed to be minimal and absorbable within existing budgeted resources.

Additional Information

Prior Introductions: HB 615 and SB 582 of 1999 would have required MDE to conduct a

study of the non-tidal portion of the Potomac River to address future water supply and demand issues. The Senate adopted the conference committee report and a conference committee was appointed in the House.

Cross File: HB 64 (Delegate Cryor) - Environmental Matters.

Information Source(s): Department of Natural Resources, Maryland Department of Environment, Department of Legislative Services

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