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By: **Senators Van Hollen, Conway, Frosh, and Middleton**

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Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2

**Maryland Water Conservation Act**

3 FOR the purpose of requiring certain community water systems, certain applicants  
4 for certain ~~water-related~~ water appropriation permits, and certain applicants  
5 for certain financial assistance to develop and implement a certain water  
6 conservation plan; requiring review of the plan and a certain report to the  
7 Department of the Environment at a certain time; requiring that certain water  
8 conservation measures be included in a plan; specifying certain additional  
9 measures that may be included in a plan; ~~providing for the application of this~~  
10 ~~Act~~; requiring the Department to encourage certain voluntary practices;  
11 requiring the Department to consider certain matters in reviewing and  
12 approving certain water conservation plans; requiring the Department to  
13 demonstrate affirmatively that certain submitted plans do not meet certain  
14 goals; requiring the Department to meet with certain persons and provide for  
15 certain public participation; requiring the Department to adopt certain  
16 regulations, in consultation with a certain board on certain issues, by a certain  
17 date; requiring the Department to report to certain persons by a certain date;  
18 specifying a certain State policy; defining certain terms; providing for the  
19 application of this Act; and generally relating to certain requirements regarding  
20 the development and implementation of certain water conservation plans.

21 BY adding to

22 Article - Environment

23 Section 5-5B-01 through ~~5-5B-06~~ 5-5B-05 to be under the new subtitle

24 "Subtitle 5B. Maryland Water Conservation"

25 Annotated Code of Maryland

26 (1996 Replacement Volume and 2000 Supplement)

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## Preamble

2 WHEREAS, Greater efficiency in water use and conservation can reduce the  
3 financial costs in treatment, storage, and transmission of water and wastewater  
4 necessary for Maryland's growing population, thus making better use of the limited  
5 financial resources available for improvements in these areas; and

6 WHEREAS, Data compiled by the State and published by the United States  
7 Environmental Protection Agency show that ~~nearly \$1,800,000,000~~ more than  
8 \$2,000,000,000 will have to be invested by public water systems, wastewater  
9 treatment plants, and State agencies in the next 20 years in order to accommodate  
10 growth and to improve the quality of drinking water and the treatment, storage, and  
11 transmission of wastewater; and

12 WHEREAS, Improvement in efficient use of water and overall water  
13 conservation measures will also limit negative environmental impacts on Maryland's  
14 aquatic resources, which are associated with withdrawing surface water and  
15 groundwater and discharging wastewater; and

16 WHEREAS, More efficient use of limited financial resources in improving  
17 ~~wastewater~~ treatment will accelerate achievement of water quality goals, including  
18 the goals of the Chesapeake Bay Agreements; now, therefore,

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

21

**Article - Environment**

22

## SUBTITLE 5B. MARYLAND WATER CONSERVATION.

23 5-5B-01.

24 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
25 INDICATED.

26 (B) "COMMUNITY WATER SYSTEM" ~~MEANS A YEAR-ROUND SYSTEM OF~~  
27 ~~PROVIDING PIPED WATER FOR HUMAN CONSUMPTION TO THE GENERAL PUBLIC HAS~~  
28 THE MEANING STATED IN § 9-401 OF THIS ARTICLE AND IS A WATER SYSTEM THAT IS  
29 LOCATED IN THE STATE.

30 (C) "WATER CONSERVATION" MEANS THE USE OF PRACTICES, TECHNIQUES,  
31 AND TECHNOLOGIES THAT:

32 (1) REDUCE THE CONSUMPTION, LOSS, OR WASTE OF WATER;

33 (2) IMPROVE EFFICIENCY IN THE USE OF WATER; OR

34 (3) MAKE MORE EFFICIENT USE OF THE WATER SUPPLY OR  
35 ~~WASTEWATER~~ WATER TREATMENT INFRASTRUCTURE.

1 5-5B-02.

2 IT IS THE POLICY OF THE STATE OF MARYLAND TO:

3 (1) ENCOURAGE INVESTMENT IN COST-EFFECTIVE MEASURES THAT  
4 IMPROVE THE EFFICIENCY WITH WHICH WATER IS USED IN THE STATE;

5 (2) REDUCE COSTS ASSOCIATED WITH PROVIDING DRINKING WATER TO  
6 THE GENERAL PUBLIC AND WITH TREATING WASTEWATER SO THAT CONSUMERS  
7 REALIZE ECONOMIC SAVINGS;

8 (3) PROTECT THE STATE'S NATURAL RESOURCES, INCLUDING THE FISH  
9 AND WILDLIFE OF THE POTOMAC RIVER, THE CHESAPEAKE BAY, AND ALL OTHER  
10 WATERS AND WATERWAYS OF THE STATE; AND

11 (4) DETERMINE WHICH BEST MANAGEMENT PRACTICES FOR EFFICIENT  
12 WATER USE AND CONSERVATION ARE OPTIMALLY INCORPORATED INTO THE  
13 APPLICATION PROCESSES FOR WATER-RELATED PERMITS AND RELATED FINANCIAL  
14 ASSISTANCE, AND TO ENCOURAGE VOLUNTARY ADOPTION OF BEST MANAGEMENT  
15 PRACTICES WHEREVER APPROPRIATE.

16 5-5B-03.

17 (A) AN APPROVED WATER CONSERVATION PLAN SHALL BE DEVELOPED AND  
18 IMPLEMENTED BY:

19 (1) A COMMUNITY WATER SYSTEM ~~THAT SERVES~~ SERVING A  
20 POPULATION OF AT LEAST 10,000 INDIVIDUALS ~~AS A CONDITION OF RECEIVING A~~  
21 ~~NEW OR AMENDED WATER APPROPRIATION PERMIT OR OF RENEWING AN EXISTING~~  
22 ~~PERMIT THAT:~~

23 (I) DOES NOT HAVE A WATER APPROPRIATION PERMIT; OR

24 (II) APPLIES FOR A NEW OR AMENDED WATER APPROPRIATION  
25 PERMIT OR FOR THE RENEWAL OF AN EXISTING PERMIT, AS A CONDITION OF  
26 RECEIVING THE PERMIT OR PERMIT RENEWAL; AND

27 (2) EXCEPT FOR AN AGRICULTURAL OPERATION, AN APPLICANT FOR  
28 FINANCIAL ASSISTANCE FOR A WATER ~~OR WASTEWATER~~ PROJECT THROUGH THE  
29 MARYLAND WATER QUALITY REVOLVING LOAN FUND UNDER § 9-1605 OF THIS  
30 ARTICLE OR ANY OTHER STATE FUNDING SOURCE AS A CONDITION OF RECEIVING  
31 THE FINANCIAL ASSISTANCE.

32 (B) A COMMUNITY WATER SYSTEM; ~~OR~~ AN APPLICANT FOR FINANCIAL  
33 ASSISTANCE; ~~OR AN APPLICANT FOR AN NPDES PERMIT THAT DEVELOPS IS~~  
34 REQUIRED TO DEVELOP AND IMPLEMENTS IMPLEMENT AN APPROVED WATER  
35 CONSERVATION PLAN SHALL:

36 (1) MEASURE AND EVALUATE THE EFFECTIVENESS OF THE PLAN AT  
37 LEAST ONCE EVERY 5 YEARS; AND

1 (2) REPORT ITS REVIEW AND FINDINGS, INCLUDING ANY NECESSARY  
2 PROPOSED REVISIONS OF THE PLAN, TO THE DEPARTMENT.

3 5-5B-04.

4 (A) A WATER CONSERVATION PLAN SHALL ADDRESS EACH OF THE  
5 FOLLOWING FUNDAMENTAL WATER CONSERVATION MEASURES AND EXPLAIN HOW  
6 EACH MEASURE IS TO BE IMPLEMENTED:

7 (1) A WATER MEASUREMENT AND ACCOUNTING SYSTEM THAT IS  
8 DESIGNED TO MEASURE AND ACCOUNT FOR WATER CONVEYED THROUGH THE  
9 DISTRIBUTION TO WATER USERS;

10 (2) AN INFORMATION AND EDUCATION PROGRAM FOR USERS THAT IS  
11 DESIGNED TO PROMOTE INCREASED EFFICIENCY OF WATER USE; AND

12 (3) DESIGNATION OF A WATER CONSERVATION COORDINATOR WHO IS  
13 RESPONSIBLE FOR THE DEVELOPMENT AND IMPLEMENTATION OF THE WATER  
14 CONSERVATION PLAN.

15 (B) (1) A COMMUNITY WATER SYSTEM OR AN APPLICANT COVERED UNDER  
16 THIS SUBTITLE ~~SHALL~~ MAY EVALUATE ADDITIONAL WATER CONSERVATION  
17 MEASURES THAT MAY, INDIVIDUALLY OR IN COMBINATION, IMPROVE WATER  
18 MANAGEMENT AND WATER USE EFFICIENCY.

19 (2) DEPENDING ON THE WATER SYSTEM AND ITS ASSOCIATED  
20 PROBLEMS AND GOALS, ADDITIONAL WATER CONSERVATION MEASURES THAT MAY  
21 BE CONSIDERED FOR INCLUSION IN A WATER CONSERVATION PLAN INCLUDE:

22 (I) AUDITS OF LARGE-VOLUME USERS;

23 (II) REUSE AND RECYCLING OF WATER FOR NONPOTABLE,  
24 NONRESIDENTIAL APPLICATIONS;

25 (III) MANAGEMENT OF SYSTEM PRESSURE SO AS TO REDUCE  
26 USAGE;

27 (IV) RETROFIT PROGRAMS;

28 (V) PROMOTION OF EFFICIENCY IN LANDSCAPE DESIGN AND  
29 IRRIGATION TECHNIQUES;

30 (VI) WASTEWATER RECLAMATION AND RECYCLING PROGRAMS;

31 (VII) FIXTURE REPLACEMENT PROGRAMS;

32 (VIII) A WATER-PRICING STRUCTURE THAT ENCOURAGES  
33 EFFICIENCY IMPROVEMENTS BY WATER USERS;

34 (IX) REBATES AND OTHER FINANCIAL INCENTIVES; AND

1 (X) ADOPTION OF LOCAL WATER-USE ORDINANCES THAT  
2 ENCOURAGE WATER CONSERVATION.

3 5-5B-05.

4 ~~THE PROVISIONS OF THIS SUBTITLE ARE APPLICABLE TO PERMIT~~  
5 ~~APPLICATIONS AND APPLICATIONS FOR FINANCIAL ASSISTANCE THAT ARE FILED ON~~  
6 ~~OR AFTER JANUARY 1, 2003.~~

7 ~~5-5B-06.~~

8 (A) THE DEPARTMENT SHALL ADOPT REGULATIONS, IN CONSULTATION WITH  
9 THE STATE PLUMBING BOARD ON ISSUES OF MUTUAL INTEREST, TO IMPLEMENT  
10 THE PROVISIONS OF THIS SUBTITLE.

11 (B) THE DEPARTMENT SHALL ENCOURAGE WATER SUPPLIERS TO ADOPT  
12 VOLUNTARILY WATER CONSERVATION PRACTICES, INCLUDING THOSE STATED IN §  
13 5-5B-04 OF THIS SUBTITLE, BEFORE THE EFFECTIVE DATE OF THIS SUBTITLE.

14 (C) IN REVIEWING AND APPROVING WATER CONSERVATION PLANS, THE  
15 DEPARTMENT SHALL CONSIDER LOCAL INITIATIVES, PREFERENCES, AND EXISTING  
16 VOLUNTARY WATER CONSERVATION EFFORTS THAT MEET THE GOALS OF THIS  
17 SUBTITLE.

18 (D) IF THE DEPARTMENT DISAPPROVES A SUBMITTED WATER CONSERVATION  
19 PLAN, THE DEPARTMENT SHALL AFFIRMATIVELY DEMONSTRATE THAT THE PLAN  
20 FAILS TO MEET THE GOALS OF THIS SUBTITLE.

21 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of the  
22 Environment shall:

23 (1) Meet with all interested stakeholders and members of the general public  
24 and provide an opportunity for public comment regarding the formulation of best  
25 management practices, regulatory standards standards, and processes for the  
26 development development, approval, and implementation of approved water  
27 conservation plans;

28 (2) On or before December 31, 2002, adopt the regulations required under  
29 Section 1 of this Act; and

30 (3) On or before December 31, 2003, report to the Governor and, in accordance  
31 with § 2-1246 of the State Government Article, the Senate Economic and  
32 Environmental Affairs Committee and the House Environmental Matters Committee  
33 regarding progress in State water conservation measures realized as a result of this  
34 Act.

35 SECTION 3. AND BE IT FURTHER ENACTED, That the provisions of Section  
36 1 of this Act shall be applicable:

1           (1)       as of January 1, 2003, to a community water system that does not  
2 have a water appropriation permit on that date; and

3           (2)       to a water appropriation permit application or an application for  
4 State financial assistance for a water project that is filed on or after January 1, 2003.

5       SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2001.